

1. Evaluation of the judicial systems (2016-2018 cycle)



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Reference data 2016 (01/01/2016 - 31/12/2016)

Start/end date of the data collection campaign : 01/06/2017 - 31/12/2017

Objective :

The CEPEJ decided, at its 28th plenary meeting, to launch the seventh evaluation cycle 2016 – 2018, focused on 2016 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as two observer states (Israel and Morocco). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present questionnaire was adapted by the Working group on evaluation of judicial systems (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents. The aim of this exercise is to increase awareness of judicial systems in the participating states, to compare the functioning of judicial systems in their various aspects, as well as to have a better knowledge of the trends of the judicial organisation in order to help improve the efficiency of justice. The evaluation questionnaire and the analysis of the results becomes a genuine tool in favour of public policies on justice, for the sake of the European citizens.

Instruction :

The ways to use the application and to answer the questions are guided by two main documents:

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. The user manual is accessible in the "Documentation" tab of the application.

In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

1.General information

1.1.Demographic and economic data

1.1.1.Inhabitants and economic general information



001. Number of inhabitants (if possible on 1 January of the reference year +1)

[73105]

Comments

002. Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State or federal level	847860512 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	56436867 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Il est constaté une variation importante de cette donnée (+66%) qui n'est pas expliquée. Ceci pourrait avoir des conséquences sur l'analyse de la part du budget de la justice.

003. Per capita GDP (in €) in current prices for the reference year

[26330]

Comments

004. Average gross annual salary (in €) for the reference year

[21950]

NA

Comments

005. Exchange rate of national currency (non-Euro zone) in € on 1 January of the reference year +1

[]

Allow decimals : 5

NAP

Comments

A1. Please indicate the sources for answering questions 1 to 5

Sources: www.estadistica.ad
www.cass.ad
Loi 2-2016 du 10 mars du budget pour l'exercice 2016

1.1.2. Budgetary data concerning judicial system

006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budgets of public prosecution services and/or legal aid, please go to question 7. If you are able to answer this question 6, please

answer NAP to the question 7.

	Approved budget (in €)	Implemented budget (in €)
TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	[X] NA [] NAP	[X] NA [] NAP
1. Annual public budget allocated to (gross) salaries	[X] NA [] NAP	[X] NA [] NAP
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	[X] NA [] NAP	[X] NA [] NAP
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.	[X] NA [] NAP	[X] NA [] NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	[X] NA [] NAP	[X] NA [] NAP
5. Annual public budget allocated to investments in new (court) buildings	[X] NA [] NAP	[X] NA [] NAP
6. Annual public budget allocated to training	[X] NA [] NAP	[X] NA [] NAP
7. Other (please specify)	[X] NA [] NAP	[X] NA [] NAP

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main differences:

007. (Modified question) If you cannot answer question 6 because you cannot isolate the budget allocated to courts from the budget allocated to public prosecution services and/or legal aid, please fill only the appropriate line in the table according to your system:

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to all courts and the public prosecution services together	6668399 [] NA [] NAP	6469681 [] NA [] NAP
Total annual public budget allocated to all courts and legal aid together	[] NA [X] NAP	[] NA [X] NAP
Total annual public budget allocated to all courts, public prosecution services and legal aid together	[] NA [X] NAP	[] NA [X] NAP

Comments: Dans le total sont inclus le budget des salaires, de l'informatisation, de la maintenance et de la formation

008. Are litigants in general required to pay a court tax or fee to start a proceeding at a court of

general jurisdiction:

	Litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction ?
for criminal cases	(X) Yes () No
for other than criminal cases	(X) Yes () No

Comments - If there are exceptions to the rule to pay a court tax or fee, could you please provide comments on those exceptions?

008-1. Please briefly present the methodology of calculation of court taxes or fees:

- NA

008-2. The amount of court fees to commence an action for 3000€ debt recovery:

[]
 NA
 NAP

Comments

009. Annual income of court taxes or fees received by the State (in €)

[379594]
 NA
 NAP

Comments

012. Annual approved public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)	580000 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12.1 for cases brought to court	580000 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments L'aide judiciaire ne concerne pas les affaires non contentieuses.

012-1. Annual implemented public budget allocated to legal aid, in €.

TOTAL	Criminal cases	Other than criminal cases
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TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)	487022 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12-1.1 for cases brought to court	487022 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12-1.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main differences: L'aide judiciaire ne concerne pas les affaires non contentieuses.

013. Total annual (approved and implemented) public budget allocated to the public prosecution services, in €.

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the public prosecution services, in €	[X] NA [] NAP	[X] NA [] NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget allocated to the public prosecution services, please indicate the main differences: Nous ne pouvons pas le différencier dans le budget du système judiciaire

014. Authorities formally responsible for the budgets allocated to the courts (multiple options possible):

	Preparation of the total court budget	Adoption/approval of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level
Ministry of Justice	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Other ministry	() Yes (X) No [] NAP	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Parliament	() Yes (X) No [] NAP	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Supreme Court	() Yes () No [X] NAP	() Yes () No [X] NAP	() Yes () No [X] NAP	() Yes () No [X] NAP
High Judicial Council	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP	() Yes (X) No [] NAP
Courts	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Inspection body	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP

Other	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
	<input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> No	<input type="checkbox"/> No
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Comments - If any other Ministry and/or inspection body and/or other, please specify: Art. 36 LQJ Pour l'exercice de ses compétences, le CSJ élabore son budget qui est soumis devant le Parlement. Dans l'exécution de son budget, le CSJ est soumis à la loi générale des Finances et à la loi sur le contrat public.

Le CSJ élabore aussi le budget de l'Administration judiciaire et du Ministère Public sur les propositions transmises par les Présidents des Tribunaux et par le Procureur Général. Ce budget est inclus dans celui du Ministère de la Justice mais est géré par le CSJ.

L'évaluation de l'utilisation du budget est soumise au Tribunal des Comptes.

La LQJ a été modifiée en 2014. Les modifications sont entrées en vigueur en 2015.

A2. Please indicate the sources for answering questions 6 to 14:

Sources: Loi Qualifiée de la justice

1.1.3. Budgetary data concerning the whole justice system

015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the court system as defined under question 6 and also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.).

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the whole justice system in €	8741924 <input type="checkbox"/> NA <input type="checkbox"/> NAP	8556509 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget allocated to the whole justice system, please indicate the main differences: La différence par rapport à l'année 2014 est due au fait qu'en 2014, nous nous sommes doté d'un nouveau système de gestion informatique.

015-2. (Modified question) Please indicate the budgetary elements that are included in the whole justice system by specifying on the one hand the elements of the judicial system budget (please check the consistency with questions 6, 12 and 13). (Note: NAP means that the element does not exist in your system):

	Included
Court (see question 6)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Legal aid (see question 12)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Public prosecution services (see question 13)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
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Comments:

015-3. (Modified question) On the other hand, please specify the other budgetary elements included in the whole justice system budget. (Note: NAP means that the element does not exist in your system):

	Included
Prison system	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Probation services	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Council of the judiciary	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Constitutional court	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Judicial management body	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
State advocacy	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Enforcement services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Notariat	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Forensic services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Judicial protection of juveniles	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Functioning of the Ministry of Justice	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Refugees and asylum seekers services	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Immigration Service	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Some police services (e.g. : transfer, investigation, prisoners' security)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments - If "other", please specify: L'aide judiciaire est prévu dans le budget du Ministère de la Justice mais non dans le système justice

A3. Please indicate the sources for answering questions 15-1, 15-2 and 15-3:

Sources: loi 2-2016 du 10 mars du budget pour l'exercice 2016
loi qualifiée de la justice

2. Access to justice and all courts

2.1. Legal Aid

2.1.1. Scope of legal aid

016. Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Legal advice	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

017. Does legal aid include the coverage of or the exemption from court fees?

Yes

No

Comments - If yes, please specify:

018. Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

Yes

No

Comments - If yes, please specify:

019. Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?

	Criminal cases	Other than criminal cases
Legal aid granted for other costs	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify:

2.1.2. Quantitative information on legal aid

020. (Modified question) Please indicate the number of cases for which legal aid has been granted:

	Cases brought to court	Cases not brought to court / non-litigious cases
TOTAL	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
In criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
In other than criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify when appropriate:

021. In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?

	Assisted by a free of charge lawyer
Accused individuals	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Victims	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If yes, please specify:

022. If yes, are individuals free to choose their lawyer within the framework of the legal aid system?

- Yes
 No

Comments C'est le barreau qui tient une liste des avocats de l'aide judiciaire.

023. (Modified question) Does your country have an income and assets evaluation for granting (full or partial) legal aid to the applicant? The answer NAP means that there is no income and/or

assets evaluation system for granting legal aid.

	Annual income value (for one person), (in €)	Annual assets value (for one person), (in €)
Full legal aid for criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Full legal aid for other than criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Partial legal aid for criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Partial legal aid for other than criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the figures provided above:

024. In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

Yes

No

Comments - If yes, please explain the exact criteria for denying legal aid:

025. In other than criminal cases, is the decision to grant or refuse legal aid taken by (one option only):

the court

an authority external to the court

a mixed authority (court and external bodies)

Comments

026. Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?

Yes

No

Comments - If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

027. Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared:

	Judicial decisions direct how legal costs will be shared
in criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

in other than criminal cases

Yes

No

Comments La décision judiciaire précise le partage des frais de justice

B1. Please indicate the sources for answering questions 20 and 23 :

Sources: Juridiction de première instance (La batllia)

2.2. Users of the courts and victims

2.2.1. Rights of the users and victims

028. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for which the general public may have free of charge access to the following:

	Yes, please indicate the internet adresse(es)	No
legal texts (e.g. codes, laws, regulations, etc.)	<input checked="" type="checkbox"/> BOPA.AD	<input type="checkbox"/>
case-law of the higher court/s	<input checked="" type="checkbox"/> JUSTICIA.AD	<input type="checkbox"/>
other documents (e.g. downloadable forms, online registration)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments - Please specify what documents and information the addresses for "other documents" include:

029. (Modified question) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

Yes, always

No

Yes, only in some specific situations

Comments - If yes, only in some specific situations, please specify:

030. Is there a public and free-of-charge specific information system to inform and to help victims of crime?

Yes

No

Comments - If yes, please specify:

031. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

Information mechanism	Special arrangements in hearings	Other specific arrangements
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Victims of sexual violence/rape	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Victims of terrorism	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Minors (witnesses or victims)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Victims of domestic violence	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Ethnic minorities	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Disabled persons	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Juvenile offenders	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If "other vulnerable person" and/or "other special arrangements", please specify:

031-1. Is it possible for minors to be a party to a judicial proceeding:

- Yes
 No

Comments - If yes, please specify which procedures can be concerned (civil, criminal, administrative / normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.): Pour toutes les procédures, ils peuvent aussi bénéficier d'aide judiciaire et d'un avocat.

032. Does your country allocate compensation for victims of crime?

- Yes, please specify for which kind of offences:
 No

Comments

032-1. (New question) Is a court decision necessary in the framework of the compensation procedure?

- Yes
 No

Comments

033. If yes, does this compensation come from:

- a public fund
 damages and interests to be paid by the person responsible
 a private fund

Comments

034. Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

() Yes

(X) No

Comments - If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

035. Do public prosecutors have a specific role with respect to the victims (protection and assistance)?

(X) Yes

() No

Comments - If yes, please specify: L'intervention obligatoire du Parquet dans les procédures impliquant des mineurs et/ou des incapables afin de protéger leurs droits et intérêts en tant que personnes les plus démunies, ainsi que dans les procédures suivies devant le Tribunal Constitutionnel

036. Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge". (The answer NAP means that the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed.)

() Yes

() No

[X] NAP

Comments - If necessary, please specify: En Andorre le Procureur n'a pas l'opportunité des poursuites. Le Ministère Public peut examiner des plaintes présentées autant par des organismes institutionnels que par des particuliers. L'ensemble de plaintes présentées est examiné par le Ministère Public, qui peut ordonner une enquête préliminaire. Si le Ministère Public considère que les faits sont susceptibles de recevoir une qualification pénale, il transmet le dossier à la Batllia (Juge d'Instruction) qui poursuit l'affaire ; dans le cas où le procureur considère que l'affaire ne constitue pas une infraction pénale il classe lui même la plainte, en communiquant au plaignant la décision adoptée.

Le code de procédure pénale Andorran ne permet pas le classement d'une affaire par le Procureur de la République. Pas d'opportunité des poursuites dans ce modèle. Toutefois chaque victime a la possibilité de saisir directement le juge.

2.2.2. Confidence of citizens in their justice system



037. (Modified question) Is there a system for compensating users in the following circumstances:

	Number of requests for compensation	Number of condemnations	Total amount (in €)
Total	1 [] NA [] NAP	1 [] NA [] NAP	20000 [] NA [] NAP
Excessive length of proceedings	1 [] NA [] NAP	1 [] NA [] NAP	20000 [] NA [] NAP
Non-execution of court decisions	0 [] NA [] NAP	0 [] NA [] NAP	0 [] NA [] NAP

Wrongful arrest	0 [] NA [] NAP	0 [] NA [] NAP	0 [] NA [] NAP
Wrongful conviction	0 [] NA [] NAP	0 [] NA [] NAP	0 [] NA [] NAP
Other	0 [] NA [] NAP	0 [] NA [] NAP	0 [] NA [] NAP

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions):

038. (Modified question) Did your country implement surveys aimed at legal professionals and court users to measure their trust in justice and their satisfaction with the services delivered by the judicial system? If yes, how frequently and up to what level?

	National level	Court level
1. (Satisfaction) surveys aimed at judges	[] Annual [] Other regular [] Ad hoc	[] Annual [] Other regular [] Ad hoc
2. (Satisfaction) surveys aimed at court staff	[] Annual [] Other regular [] Ad hoc	[] Annual [] Other regular [] Ad hoc
3. (Satisfaction) surveys aimed at public prosecutors	[] Annual [] Other regular [] Ad hoc	[] Annual [] Other regular [] Ad hoc
4. (Satisfaction) surveys aimed at lawyers	[] Annual [] Other regular [] Ad hoc	[] Annual [] Other regular [] Ad hoc
5. (Satisfaction) surveys aimed at the parties	[] Annual [] Other regular [] Ad hoc	[] Annual [] Other regular [] Ad hoc
6. (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)	[] Annual [] Other regular [] Ad hoc	[] Annual [] Other regular [] Ad hoc
7. (Satisfaction) surveys aimed at victims	[] Annual [] Other regular [] Ad hoc	[] Annual [] Other regular [] Ad hoc
8. Other not mentioned	[] Annual [] Other regular [] Ad hoc	[] Annual [] Other regular [] Ad hoc

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above: Pas de mise en place d'enquêtes

040. Is there a national or local procedure for making complaints about the functioning of the judicial system? (for example the handling of a case by a judge or the duration of a proceeding)

(X) Yes

() No

Comments

041. (Modified question) If yes, please specify certain aspects of this procedure:

	Authority responsible for dealing with the complaint	Time limit for dealing with the complaint
Court concerned	() Yes (X) No	() Yes (X) No
Higher court	(X) Yes () No	() Yes (X) No
Ministry of Justice	() Yes (X) No	() Yes (X) No
Council of the Judiciary	() Yes (X) No	() Yes (X) No
Other external bodies (e.g. Ombudsman)	() Yes (X) No	() Yes (X) No

041-1. (Modified question) Please specify further certain aspects of this procedure:

	Number of complaints	Compensations amount granted to users
Court concerned	[] NA [X] NAP	[] NA [X] NAP
Higher court	1 [] NA [] NAP	20000 [] NA [] NAP
Ministry of Justice	[] NA [X] NAP	[] NA [X] NAP
Council of the Judiciary	[] NA [X] NAP	[] NA [X] NAP
Other external bodies (e.g. Ombudsman)	[] NA [X] NAP	[] NA [X] NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment: Il n'ya eu qu'une seule plainte déposée en 2016

3.Organisation of the court system

3.1.Courts

3.1.1.Number of courts

042. Number of courts considered as legal entities (administrative structures) and geographic locations

	Number of courts
42.1 First instance courts of general jurisdiction (legal entities)	2 [] NA [] NAP
42.2 First instance specialised courts (legal entities)	[] NA [X] NAP
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	3 [] NA [] NAP

Comments

043. Number (legal entities) of first instance specialised courts (or specific judicial order)

	Number of courts
Total (must be the same as the data given under question 42.2)	[] NA [X] NAP
Commercial courts (excluded insolvency courts)	[] NA [X] NAP
Insolvency courts	[] NA [X] NAP
Labour courts	[] NA [X] NAP
Family courts	[] NA [X] NAP
Rent and tenancies courts	[] NA [X] NAP
Enforcement of criminal sanctions courts	[] NA [X] NAP
Fight against terrorism, organised crime and corruption	[] NA [X] NAP
Internet related disputes	[] NA [X] NAP
Administrative courts	[] NA [X] NAP
Insurance and / or social welfare courts	[] NA [X] NAP

Military courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Other specialised 1st instance courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "other specialised 1st instance courts", please specify:

044. Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?

Yes

No

Comments - If yes, please specify:

045. Number of first instance courts (geographic locations) competent for a case concerning:

	Number of courts
a debt collection for small claims	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
a dismissal	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
a robbery	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

045-1. (New question) Is your definition for small claims the same as the one in the Explanatory note?

Yes

No, please give your definition for small claims:

Comments

045-2. (New question) Please indicate the value in € of a small claim:

[1200]

Comments Les affaires de moins de 1200 € sont traitées par la procédure appelée de "mínima quantia"

C. Please indicate the sources for answering questions 42, 43 and 45:

Sources: Consell Superior de la Justícia

3.2. Court staff



3.2.1. Judges and non-judge staff

046. Number of professional judges sitting in courts (if possible on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	26 [] NA [] NAP	11 [] NA [] NAP	15 [] NA [] NAP
1. Number of first instance professional judges	17 [] NA [] NAP	5 [] NA [] NAP	12 [] NA [] NAP
2. Number of second instance (court of appeal) professional judges	9 [] NA [] NAP	6 [] NA [] NAP	3 [] NA [] NAP
3. Number of supreme court professional judges	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comment - Please provide any useful comment for interpreting the data above: Le Tribunal Supérieur est la plus haute instance de l'organisation judiciaire de la Principauté. Il possède la faculté de juger tous les recours interposés contre les résolutions judiciaires adoptées en première instance par la Batllia d'Andorre, d'ordre civil et administratif, dans les limites fixées par la loi, et, en matière pénale, par le Tribunal de Corts. Le Tribunal Supérieur s'organise en trois chambres : la chambre civile, la chambre pénale et une chambre de contentieux administratifs et des affaires de sécurité sociale.

Le Tribunal Supérieur est composé d'un Président et de huit Magistrats. Chaque chambre est formée de trois Magistrats. Le Président du Tribunal est à la fois Président d'une des trois chambres.

Le Tribunal de Corts (Cour d'Appel et tribunal pour les délits et contraventions pénales) possède la faculté de juger, en première instance, les délits et les contraventions pénales, ainsi que de faire exécuter ses sentences et autres résolutions.

Il exerce, à travers son Président, les fonctions de juridiction de surveillance pénitentiaire et d'application des peines.

Il résout les recours en appel contre les décisions dictées par les Juges d'Instruction, qu'elles affectent la liberté des accusés ou qu'elles accordent des mesures conservatoires en période d'instruction, qu'elles accordent le classement de la procédure ou encore qu'elles fassent droit à une accusation ou une plainte.

Actuellement, le Tribunal de Corts est composé d'un Président, de trois Magistrat et d'un Magistrats adjoint suppléant. (depuis 2017)

La Batllia d'Andorre est la juridiction de première instance et d'instruction dans tous les domaines juridictionnels. Elle est divisée en chambres civile, administrative, spéciale d'instruction et juridiction des mineurs. La Batllia et les Batlles

(juges), que ce soit en tant que Tribunal unipersonnel ou collégial en accord avec ce que stipule la Loi Qualifiée de la Justice et les Lois de procédures, ont compétence pour juger en première instance tous les contentieux, mis à part, en matière pénale. Les Batlles instruisent de façon individuelle les affaires pénales ; ils exercent également en tant que Tribunal unipersonnel (un seul Batlle) la juridiction volontaire (non contentieuse). En matière civile, les procédures de recouvrement de petite créance, c'est-à-dire qui n'excèdent pas 12.000 euros sont jugées par un seul Batlle et les procédures de recouvrement de créance indéterminée ou supérieure à 12.000 euros sont jugées par le Tribunal. Il faut préciser qu'il existe dans notre système 2 procédures pour petites créances la "minima quantia" pour des créances allant de 0 à 1200 € et "l'abreujat" de 1200 à 12000 €. En matière administrative, les affaires relatives aux contentieux de Sécurité Sociale sont jugées par un seul Batlle et toutes les autres affaires dans ce domaine juridictionnel sont jugées en formation collégiale.

Cette juridiction est composée de l'ensemble des Batlles qui sont 8 au minimum ainsi que d'un Président. En 2016 la Batllia comptait avec une équipe de 14 Batlles (juges) dont un est le Président.

L'Andorre n'a pas de Cour Suprême.

047. Number of court presidents (professional judges). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and

specialised courts

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	3 [] NA [] NAP	3 [] NA [] NAP	[] NA [X] NAP
1. Number of first instance court presidents	1 [] NA [] NAP	1 [] NA [] NAP	[] NA [X] NAP
2. Number of second instance (court of appeal) court presidents	2 [] NA [] NAP	2 [] NA [] NAP	[] NA [X] NAP
3. Number of supreme court presidents	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments

048. Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December of the reference year):

	Figure
Gross figure	2 [] NA [] NAP
In full-time equivalent	[X] NA [] NAP

Comments - If necessary, please provide comments to explain the answer provided:

048-1. (New question) Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?

(X) Yes, please give specifications on the types of cases and an estimate in percentage. 50%

() No

Comments Ils traitent le 50% de ce que traite chacun des magistrat à temps plein

049. (Modified question) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December of the reference year) (e.g. lay judges and “juges consulaires”, but not arbitrators and persons sitting in a jury):

	Figure
Gross figure	[] NA [X] NAP
In full time equivalent	[] NA [X] NAP

049-1. If such non-professional judges exist in first instance in your country, please specify for which types of cases:

	Yes	No	Echevinage
in criminal law cases	()	(X)	()
- severe criminal cases	()	(X)	()
- misdemeanour and/or minor criminal cases	()	(X)	()
in family law cases	()	(X)	()
in civil cases	()	(X)	()
in labour law cases	()	(X)	()
in social law cases	()	(X)	()
in commercial law cases	()	(X)	()
in insolvency cases	()	(X)	()
other	()	(X)	()

Comments - If "other", please specify:

050. Does your judicial system include trial by jury with the participation of citizens?

() Yes

(X) No

Comments

050-1. (New question) If yes, for which type of case(s)? (Please, for severe criminal cases and misdemeanour cases refer to the CEPEJ definitions)

[] Severe criminal cases

[] Misdemeanour cases

[] Other cases

Comments

051. Number of citizens who were involved in such juries for the year of reference:

[]

[] NA

[X] NAP

Comments

052. Number of non-judge staff who are working in courts (on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)

	Total	Males	Females
Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	106 [] NA [] NAP	24 [] NA [] NAP	82 [] NA [] NAP
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	19 [] NA [] NAP	5 [] NA [] NAP	14 [] NA [] NAP
2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)	66 [] NA [] NAP	13 [] NA [] NAP	53 [] NA [] NAP
3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	16 [] NA [] NAP	2 [] NA [] NAP	14 [] NA [] NAP
4. Technical staff	5 [] NA [] NAP	4 [] NA [] NAP	1 [] NA [] NAP
5. Other non-judge staff	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If "other non-judge staff", please specify: Création de 2 nouveaux postes de greffiers pour le tribunal de première instance (La batllia)

Départ de personnel à la retraite ou en congé sans solde non remplacés (personnels chargés de tâches relatives à l'administration et la gestion des tribunaux)

création d'un nouveau poste dans le service des systèmes d'information (personnel technique)

053. (Modified question) If there are Rechtspfleger (or similar bodies) in your judicial system, please specify in which fields do they have a role:

legal aid

family cases

payment orders

registry cases (land and/or business registry cases)

enforcement of civil cases

enforcement of criminal cases

other cases not mentioned (please describe in comment)

non-litigious cases

Comments - Please briefly describe their status and duties: Les greffiers en Andorre interviennent auprès du juge, ils donnent foi de toutes les interventions réalisées par le juge: convocation, signification... Ils sont les responsables de faire avancer les procédures.

054. Have the courts outsourced certain services, which fall within their powers, to private providers?

() Yes

(X) No

Comments

054-1. (New question) If yes, please specify which services have been outsourced:

[] IT services

[] Training of staff

[] Security

[] Archives

[] Cleaning

[] Other types of services (please specify):

Comments

C1. Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Sources: Bopa.ad
Consell Superior de la Justícia

3.3. Public prosecution

3.3.1. Public prosecutors and staff

055. Number of public prosecutors (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts.

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	5 [] NA [] NAP	2 [] NA [] NAP	3 [] NA [] NAP
1. Number of prosecutors at first instance level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Number of prosecutors at second instance (court of appeal) level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

3. Number of prosecutors at supreme court level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
--	---------------------	---------------------	---------------------

Please indicate any useful comment for interpreting the data above: Les 5 procureurs (1 Procureur Général et 4 procureurs adjoints) se répartissent le travail devant toutes les juridictions sans exception. Il n'ont pas une spécialités concrète.

056. Number of heads of prosecution offices (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	1 [] NA [] NAP	1 [] NA [] NAP	0 [] NA [] NAP
1. Number of heads of prosecution offices at first instance level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Number of heads of prosecution offices at second instance (court of appeal) level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Number of heads of prosecution offices at supreme court level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Please provide any useful comment for interpreting the data above: Comme répondu à la question 55, le Procureur Général peut exercer devant toutes les juridictions.

057. Do other persons have similar duties to public prosecutors?

() Yes, please specify their number (in full-time equivalent):

(X) No

Comments - If yes, please specify their title and functions:

059. If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

() Yes

(X) No

Comments

059-1. Do prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?

() Yes

(X) No

Comments Tous peuvent demander à être former sur cette matière s'ils en font la demande en début d'année.

060. Number of staff (non-public prosecutors) attached to the public prosecution service (on 31 December of the reference year) (without the number of non-judge staff, see question 52) (in full-

time equivalent and for permanent posts actually filled).

	Total	Males	Females
Number of staff (non-public prosecutors) attached to the public prosecution service	4 [] NA	3 [] NA	1 [] NA

Comments

C2. Please indicate the sources for answering questions 55, 56 and 60

Sources: Consell Superior de la Justícia

3.4. Management of the court budget

3.4.1. Court budget

061. Who is entrusted with responsibilities related to the budget within the court?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	() Yes (X) No	() Yes (X) No	() Yes (X) No	() Yes (X) No
Court President	(X) Yes () No	(X) Yes () No	(X) Yes () No	() Yes (X) No
Court administrative director	() Yes (X) No	() Yes (X) No	() Yes (X) No	() Yes (X) No
Head of the court clerk office	() Yes (X) No	() Yes (X) No	() Yes (X) No	() Yes (X) No
Other	() Yes (X) No	() Yes (X) No	() Yes (X) No	() Yes (X) No

Comments - If "other", please specify:

3.6. Performance and evaluation

3.6.1. National policies applied in courts and public prosecution services

066. Are quality standards determined for the judicial system (are there quality systems for the judiciary and/or judicial quality policies)?

() Yes

(X) No

Comments - If yes, please specify:

067. Do you have specialised court staff that is entrusted with these quality standards?

() Yes

No

Comments

068. Is there a national system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan agreed beforehand?

Yes

No

Comments

068-1. (New question) If yes, please specify the frequency of this evaluation:

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify: Tous les 2 ans, chaque juge doit présenter devant le CSJ un rapport d'activité sous un format préétabli.

De plus la dernière modification de la loi qualifiée de la justice a créé un service de l'inspection qui intervient sur demande du CSJ auprès de chaque juge lors d'inspections ordinaires. Ce service intervient non pas sur les décisions de fond mais il regarde s'il existe des retards toujours dans un souci du respect du principe d'indépendance de nos juges.

069. Is there a system for monitoring and evaluating the performance of the public prosecution service?

Yes

No

Comments - If yes, please give further details: Tous les 2 ans, chaque procureur doit présenter devant le CSJ un rapport d'activité sous un format préétabli.

De plus la dernière modification de la loi qualifiée de la justice a créé un service de l'inspection qui intervient sur demande du CSJ auprès de chaque procureur lors d'inspections ordinaires. Ce service intervient non pas sur les décisions de fond mais il regarde s'il existe des retards toujours dans un souci du respect du principe d'indépendance de nos juges.

3.6.2. Performance and evaluation of courts

070. Do you have, within the courts, a regular monitoring system of court activities concerning:

number of incoming cases

number of decisions delivered

number of postponed cases

length of proceedings (timeframes)

age of cases

other (please specify):

Comments Avec le nouveau système informatique il est possible de faire un suivi sur le nombre d'affaires faisant l'objet d'un renvoi et sur l'ancienneté des affaires.

071. Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:

civil law cases

criminal law cases

administrative law cases

Comments Avec le nouveau système informatique il est possible de faire un suivi sur la mesure des affaires en cours.
De plus le Service de l'Inspection sollicite ce genre d'information.

072. Do you have an evaluation process to monitor waiting time during court procedures?

Yes

No

Comments - If yes, please specify: Pas pour le moment, mais le CSJ est en train d'y travailler grâce au nouvel outil informatique qui a été mis en place en 2015.

073. Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?

Yes

No

Comments

073-0. (New question) If yes, please specify the frequency:

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify: Tous les 3 mois, le service de l'Inspection fait ce suivi.
Le service de l'inspection a été créé par la loi de 2014 qui a modifié la loi qualifiée de la justice de 1993.
Nous disposons de 2 Inspecteurs depuis 2016.

073-1. Is this evaluation of the court activity used for the later allocation of means to this court?

Yes

No

Comments

074. Are there performance targets defined at the level of the court?

Yes

No

Comments L'article 68 ter prévoit que le CSJ doit établir des modules d'activités judiciaires adapté aux caractéristiques de chaque organe et juridiction ainsi qu'un nombre minimum d'activités de formation continue que doivent réaliser les juges pendant leur mandat.
Le CSJ doit déterminer les niveaux à minima d'activités judiciaires que doivent réaliser les juges
La modification de la loi qualifiée qui est entrée en vigueur en 2015 donnait deux ans au CSJ pour mettre en place des modules d'activité qui devraient prévoir des objectifs de performance. Le CSJ est en train d'y travailler.

075. (Modified question) Please specify the main targets applied to the courts:

to increase efficiency / to shorten the length of proceedings

to improve quality

to improve cost efficiency / productivity

Other (please specify):

Comments

076. Who is responsible for setting the targets for the courts?

- Executive power (for example the Ministry of Justice)
- Legislative power
- Judicial power (for example High Judicial Council, Higher Court)
- President of the court
- Other (please specify):

Comments

077. Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 79)

- Yes
- No

Comments

078. If yes, please select the main performance and quality indicators that have been defined:

- incoming cases
- length of proceedings (timeframes)
- closed cases
- pending cases and backlogs
- productivity of judges and court staff
- percentage of cases that are processed by a single sitting judge
- enforcement of penal decisions
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- judicial quality and organisational quality of the courts
- costs of the judicial procedures
- number of appeals
- other (please specify):

079. Who is responsible for evaluating the performance of the courts (multiple options possible) :

- High Council of judiciary
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other (please specify):

Comments Nous travaillons sur la mise en place de modules d'activités qui devront nous permettre d'appréhender la charge de travail des juges et des procureurs. C'est la loi de 2104 qui nous impose cette mise en place pour l'évaluation de la performance.

3.6.3. Court activity and administration



080. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

Yes (please indicate the name and the address of this institution): Consell Superior de la Justícia

No

Comments

080-1. Does this institution publish statistics on the functioning of each court:

Yes, on internet

No, only internally (in an intranet website)

No

Comments www.justicia.ad

081. Are individual courts required to prepare an activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

081-1. If yes, please specify in which form this report is released:

Internet

Intranet (internal) website

Paper distribution

Comments

081-2. (New question) If yes, please, indicate the periodicity at which the report is released:

Annual

Less frequent

More frequent

Comments

082. (Modified question) Is there a process or structure of dialogue between the public prosecutor service and courts as regards the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?

Yes

No

Comments - If yes, please specify: réunions entre le Procureur général et les présidents des tribunaux

082-1. (Modified question) Is there a process or structure of dialogue between lawyers and courts as regards the way cases are presented before courts in other than criminal matter (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?

Yes

No

Comments - If yes, please specify:

3.6.4. Performance and evaluation of judges

083. Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?

Yes

No

Comments

083-1. Who is responsible for setting the targets for each judge?

Executive power (for example the Ministry of Justice)

Legislative power

Judicial power (for example the High Judicial Council, Supreme Court)

President of the court

Other (please specify):

Comments Le CSJ est en train de travailler dans la mise en place de modules d'activités qui devront fixer ces objectifs.

New node

4. Fair trial

4.1. Principles

4.1.1. Principles of fair trial

084. Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a lawyer)?

[]

NA

NAP

Comments

085. Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

Yes, number of successful challenges in a year NAP

() No

Comments - Please could you briefly specify: Le chapitre IV du Titre V de la LQJ est consacré aux récusations et abstentions. L'article 73 prévoit que les batlles et les magistrats doivent s'abstenir ou être récusés, dans les hypothèses suivantes:

- a)Etre mariés ou avoir une situation de fait équivalente, ou un lien de parenté par consanguinité, affinité ou adoption jusqu'au quatrième degré, avec l'une ou l'autre des parties, leurs avocats ou le représentant du Ministère Public.
- b)Etre ou avoir été tuteur, avocat ou avoué de l'une ou de l'autre partie.
- c)Etre ou avoir été dénoncé, accusé ou partie défenderesse par l'une ou l'autre partie ou leurs avocats, hormis que la plainte, accusation ou requête n'ait pas été admise ou ait été refusée par manque flagrant de fondements. d)Avoir ou avoir eu une quelconque relation juridique, professionnelle, commerciale ou économique avec l'une ou l'autre des parties ou avec leurs avocats. e)Avoir un procès en cours avec l'une ou l'autre des parties ou avec leurs avocats. f)Avoir une amitié ou une inimitié manifeste avec l'une ou l'autre des parties ou avec leurs avocats. g)Avoir un intérêt direct dans l'objet du procès. h)Etre le supérieur hiérarchique de l'une des parties au litige. i)Avoir eu préalablement connaissance du procès dans un tribunal ou une instance différents.»

Le juge compris dans l'une de ces hypothèses devra s'abstenir et informer le président du Tribunal où il siège (article 75).

En aval, si le conflit d'intérêt est présent il existe la procédure de la récusation prévue par les articles 74 et 75 de la LQJ:

Peuvent demander la récusation:

Dans les affaires civiles et administratives les parties, leurs avocats et le Ministère Public.

Dans les affaires pénales le Ministère Public, l'accusé, la partie civile ou le plaignant, le responsable civil subsidiaire et leurs avocats. L'article 75 prévoit que le président du Tribunal dans le quel siège le batlle ou le magistrat qui a décidé de s'abstenir, doit être informé des motivations de l'abstention. Le Tribunal Supérieur résout les récusations quand celles-ci n'ont pas été acceptées par la «Batllia» ou le «Tribunal de Corts». Si la récusation s'adresse à un magistrat du Tribunal Supérieur, elle est résolue par une section de trois membres dont la personne récusée ne peut faire partie.

Finalement la procédure disciplinaire prévue au chapitre V de la LQJ qualifie le manquement au régime des incompatibilités de faute très grave (article 83 a).

086. Is there in your country a monitoring system for the violations related to Article 6 of the European Convention on Human Rights?

	Monitoring system
For civil procedures (non-enforcement)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
For civil procedures (timeframe)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
For criminal procedures (timeframe)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments - Please, specify what are the terms and conditions of this monitoring system (information related to violations at the State/courts level; implementation of internal systems to remedy the established violation; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations: Le pays n'a pas instauré un système de suivi particulier. Il faut savoir que l'Andorre en 2016 n'a connu que 2 affaires pour violation de l'article 6 de la Convention européenne des Droits de l'Homme, ce qui lui permet un suivi très personnalisé.

D1. Please indicate the sources for answering questions in this chapter.

Sources: Ministère des Affaires Etrangères et Consell Superior de la Justícia

4.2. Timeframe of proceedings

4.2.1. General information

087. Are there specific procedures for urgent matters as regards:

- civil cases
- criminal cases
- administrative cases
- There is no specific procedure

Comments - If yes, please specify:

088. Are there simplified procedures for:

- civil cases (small disputes)
- criminal cases (misdemeanour cases)
- administrative cases
- There is no simplified procedure

Comments - If yes, please specify:

088-1. (Modified question) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?

- civil cases
- criminal cases
- administrative cases

Comments - If yes, please specify:

089. Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

- Yes
- No

Comments - If yes, please specify:

4.2.2. Case flow management – first instance

091. (Modified question) First instance courts: number of other than criminal law cases.

Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court (Please insert NA for category 2)

Total of other than criminal law cases (1+2+3+4)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Non litigious cases (2.1+2.2+2.3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.1. Non litigious land registry cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.2 Non-litigious business registry cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.3. Other registry cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.3. Other non-litigious cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Administrative law cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Nous ne pouvons pas fournir des données fiables

092. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:

. Affaires civiles (et commerciales) générales non contentieuses, par exemple des créances incontestées, de requêtes en changement de nom, les affaires non contentieuses relatives à l'exécution ...

093. Please indicate the case categories included in the category "other cases":

. non

094. (Modified question) First instance courts: number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of criminal law cases (1+2)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Severe criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Misdemeanour and / or minor criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences": En 2014 nous avons fait l'acquisition d'un nouveau système informatique qui n'est pas encore totalement utilisé par tous les services rendant impossible pouvoir fournir des données fiables

4.2.3. Case flow management – second instance

097. (Modified question) Second instance courts (appeal): Number of “other than criminal law” cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court (Please insert NA for category 2)
Total of other than criminal law cases (1+2+3+4)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2.1. Non litigious land registry cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2.2 Non-litigious business registry cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2.3. Other registry cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.3. Other non-litigious cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Administrative law cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
4. Other cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments Nous ne pouvons fournir des données fiables

098. (Modified question) Second instance courts (appeal): number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of criminal law cases (1+2)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Severe criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Misdemeanour and / or minor criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments Nous ne pouvons pas fournir de données fiables.

4.2.4. Case flow management – Supreme Court

099. (Modified question) Highest instance courts (Supreme Court): number of “other than criminal law” cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme court (Please insert NA for category 2))
Total of other than criminal law cases (1+2+3+4)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Non litigious cases (2.1+2.2+2.3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.1. Non litigious land registry cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.2 Non-litigious business registry cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.3. Other registry cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.3. Other non-litigious cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

3. Administrative law cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Other cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments Notre système n'a pas de cour suprême

099-1. At the level of the Highest court (Supreme Court), is there a procedure of manifest inadmissibility?

() Yes, please indicate the number of cases closed by this procedure:

(X) No

Comments

100. (Modified question) Highest instance courts (Supreme Court): number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme court
Total of criminal law cases (1+2)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
1. Severe criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Misdemeanour and / or minor criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments Nous n'avons pas de cour suprême

4.2.5. Case flow management – specific cases

101. (Modified question) Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases, intentional homicide cases, cases relating to asylum seekers and cases relating to the right of entry and stay for aliens received and processed by first instance courts.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year
Litigious divorce cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Employment dismissal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Insolvency	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Robbery case	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Intentional homicide	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Cases relating to the right of entry and stay for aliens	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Nous ne pouvons fournir des données fiables

101-1. (New question) Could you briefly describe the system in your country dealing with judicial remedies relating to asylum seekers (refugee status under the 1951 Geneva Convention) and the right of entry and stay for aliens:

. NA

102. Average length of proceedings, in days (from the date the application for judicial review is lodged). The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.

	% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
Litigious divorce case	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Employment dismissal case	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Insolvency	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Robbery case	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Intentional homicide	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Nous ne pouvons fournir des données fiables

103. Where appropriate, please indicate the specific procedure as regards divorce cases (litigious and non-litigious):

. NA

104. How is the length of proceedings calculated for the five case categories of question 102? Please give a description of the calculation method.

. NA

4.2.6. Case flow management – public prosecution

105. Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

- [X] to conduct or supervise police investigation
- [X] to conduct investigations
- [X] when necessary, to request investigation measures from the judge
- [X] to charge
- [X] to present the case in court
- [X] to propose a sentence to the judge
- [X] to appeal
- [X] to supervise the enforcement procedure
- [] to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- [] to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- [] other significant powers (please specify):

Comments

106. (Modified question) Does the public prosecutor also have a role in:

- [X] civil cases
- [] administrative cases
- [] insolvency cases

Comments - If yes, please specify: pour les affaires de mineurs et les incapables ou les absents

107. Cases processed by the public prosecutor - Total number of first instance criminal cases:

	Received during the reference year	Discontinued during the reference year (see Q108 below)	Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases brought to court
Total number of first instance cases processed by the public prosecutor	4761 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

107-1. (Modified question) If the guilty plea procedures exist, how many cases were brought to court by the prosecutor through this procedure?

	Number of guilty plea procedures
Total	708 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Before the court case	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
During the court case	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Dans notre système judiciaire il existe la procédure «d'ordenaça penal» qui est prévue pour les délits et les crimes peuvent où la peine maximale est égale ou inférieure à quatre ans d'emprisonnement. Cette procédure implique une pénalité inférieur dans le sens de l'imposition de la peine jusqu'à un maximum de la moitié. Au cours de l'année judiciaire du 2016, il faut remarquer que 708 affaires ont été jugées par la procédure «d'ordenaça penal»

108. Total cases which were discontinued by the public prosecutor:

	Number of cases
Total cases which were discontinued by the public prosecutor (1+2+3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
1. Discontinued by the public prosecutor because the offender could not be identified	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Discontinued by the public prosecutor for reasons of opportunity	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

109. Do the figures include traffic offence cases?

Yes

No

D2. Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 107-1 and 108.

Sources: Ministere public

5. Career of judges and public prosecutors

5.1. Recruitment and promotion

5.1.1. Recruitment and promotion of judges

110. (Modified question) How are judges recruited?

- [X] mainly through a competitive exam (open competition)
- [] mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- [X] a combination of both (competitive exam and working experience)
- [] other (please specify):

Comments Les juges de première instance sont toujours recrutés sur concours.

Les magistrats peuvent être recrutés par concours ouvert et expérience professionnelle ou peuvent être recrutés par promotion interne . Dans ce 2ème cas, seuls les juges de première instance déjà dans la carrière professionnelle peuvent y opter, il est procédé à une évaluation du CV ainsi qu'à une entrevue où le candidat présente son rapport d'activité.

Nous avons coché combinaison des deux car il s'agit d'un concours combinée de deux étapes la première qui vaut 70% de la note analyse le CV du candidat sous certains critères préétablis, ensuite si le candidat obtient la note demandée à cette phase il peut passer une entrevue qui vaut le 30% restant de la note.

110-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

- () Yes
- (X) No

Comments - If yes, please specify:

111. Authority(ies) responsible for recruitment. Are judges initially/at the beginning of their career recruited and nominated by:

- [] an authority made up of judges only
- [X] an authority made up of non-judges only
- [] an authority made up of judges and non-judges

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles: Le consell superior de la justícia est responsable du recrutement et de la nomination des juges. (Ils sont tous des non juges) Cependant le CSJ peut faire appel à des experts externes qui sont des juges. Mais la décision finale appartient seulement à des non juges.

112. Is the same authority (Q111) competent for the promotion of judges?

Yes

No

Comments

112-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

Yes

No

Comments - If yes, please specify:

113. What is the procedure for judges to be promoted? (multiple answers possible)

Competitive test / Exam

Other procedure (interview or other)

No special procedure

Comments - Please specify how the promotion of judges is organised (especially if there is no competition or examination): Lorsqu'il s'agit de la promotion de degré dans la catégorie de juge de première instance ou de magistrat, il est demandé un temps d'expérience et une évaluation d'un rapport d'activité que le juge est obligé de présenter tous les 2 ans.

Lorsqu'il s'agit d'une promotion de juge de première instance à magistrat, le juge doit se présenter à une promotion interne (voir réponse à la question 110)

113-1. Please indicate the criteria used for the promotion of a judge? (multiple answers possible)

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

Assessment results

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):

114. (Modified question) Is there a system of qualitative individual assessment of the judges' work?

Yes

No

Comments Tous les 2 ans.

114. If yes, please specify the frequency of this assessment:

Annual

Less frequent

More frequent

5.1.2. Status, recruitment and promotion of prosecutors

115. What is the status of prosecution services?

- statutory independent
- under the authority of the Minister of justice or another central authority
- other (please specify):

Comments - When appropriate, please specify the objective guarantees of this independence (transfer, appointment...).

115-1. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a prosecutor in a court.

- Yes
- No

Comments - If yes, please specify:

116. How are public prosecutors recruited?

- mainly through a competitive exam (open competition)
- mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- a combination of both (competitive exam and working experience)
- other (please specify):

Comments Le ministère public est composé d'un procureur général et de quatre procureurs adjoints. Le Procureur général est nommé par le Conseil Supérieur de la Justice sur proposition du Gouvernement, parmi des personnes qui réunissent les conditions pour être magistrats, pour une période de six ans, renouvelable une seule fois. Les procureurs adjoints sont nommés par le Conseil Supérieur de la Justice, pour des mandats renouvelables de six ans, sur proposition du Gouvernement, parmi des personnes qui réunissent les conditions pour être juge, sur concours conformément à l'article 66 bis de la loi qualifiée de la justice andorrane.

Parmi les procureurs adjoints il existe plusieurs échelons. L'accès à la fonction de procureur adjoint se produit au premier échelon. La promotion au deuxième échelon se produit après avoir complété au minimum un mandat dans la fonction et après avoir réalisé les activités formatives. La promotion au troisième échelon se produit après avoir complété au minimum deux mandats au deuxième échelon et après avoir réalisé les activités formatives. Pour accéder au deuxième et troisième échelon, il faut l'évaluation favorable de l'exercice de la fonction de la part du Conseil Supérieur de la Justice et du Procureur général. Tout ceci est prévu à l'article 10 bis de la Loi du Ministère Public.

117. Authority(ies) responsible for recruitment. Are public prosecutors initially/at the beginning of their career recruited by:

- an authority composed of public prosecutors only
- an authority composed of non-public prosecutors only
- an authority composed of public prosecutors and non-public prosecutors

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

117-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?

- Yes
- No

Comments - If yes, please specify:

118. Is the same authority (Q.117) formally responsible for the promotion of public prosecutors?

Yes

No, please specify which authority is competent for promoting public prosecutors

Comments

119. What is the procedure for prosecutors to be promoted? (multiple answers possible)

Competitive test / exam

Other procedure (interview or other)

No special procedure

Comments - Please, specify the procedure (especially if it is a procedure different from a competitive test or an exam): Le ministère public est composé d'un procureur général et de quatre procureurs adjoints. Le Procureur général est nommé par le Conseil Supérieur de la Justice sur proposition du Gouvernement, parmi des personnes qui réunissent les conditions pour être magistrats, pour une période de six ans, renouvelable une seule fois. Les procureurs adjoints sont nommés par le Conseil Supérieur de la Justice, pour des mandats renouvelables de six ans, sur proposition du Gouvernement, parmi des personnes qui réunissent les conditions pour être juge, sur concours conformément à l'article 66 bis de la loi qualifiée de la justice andorrane.

Parmi les procureurs adjoints il existe plusieurs échelons. L'accès à la fonction de procureur adjoint se produit au premier échelon. La promotion au deuxième échelon se produit après avoir complété au minimum un mandat dans la fonction et après avoir réalisé les activités formatives. La promotion au troisième échelon se produit après avoir complété au minimum deux mandats au deuxième échelon et après avoir réalisé les activités formatives. Pour accéder au deuxième et troisième échelon, il faut l'évaluation favorable de l'exercice de la fonction de la part du Conseil Supérieur de la Justice et du Procureur général. Tout ceci est prévu à l'article 10 bis de la Loi du Ministère Public.

119-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?

Yes

No

Comments - If yes, please specify:

119-2. Please indicate the criteria used for the promotion of a prosecutor:

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

Assessment results

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"): Parmi les procureurs adjoints il existe plusieurs échelons. L'accès à la fonction de procureur adjoint se produit au premier échelon. La promotion au deuxième échelon se produit après avoir complété au minimum un mandat dans la fonction et après avoir réalisé les activités formatives. La promotion au troisième échelon se produit après avoir complété au minimum deux mandats au deuxième échelon et après avoir réalisé les activités formatives. Pour accéder au deuxième et troisième échelon, il faut l'évaluation favorable de l'exercice de la fonction de la part du Conseil Supérieur de la Justice et du Procureur général. Tout ceci est prévu à l'article 10 bis de la Loi du

120. Is there a system of qualitative individual assessment of the public prosecutors' work?

Yes

No

Comments La nomination des procureurs-adjoints est du ressort du Conseil Supérieur de la Justice (CSJ), sur «concurs-oposició». Le Procureur général est nommé par le Conseil supérieur de la justice sur proposition du Gouvernement. Ils sont nommés pour des mandats renouvelables de six ans, sauf le procureur-général qui ne pourra être renouvelé qu'une seule fois. C'est ce qui est prévu à l'article 10.1 à 10.3 de la LMP.

b) La promotion des procureurs est prévue à l'article 10 bis de la LMP: «Il existe trois échelons de procureurs-adjoints. L'accès à la fonction de procureur-adjoint se fait par le premier échelon. La promotion au deuxième échelon a lieu après la réalisation d'un mandat au minimum et d'avoir réalisé les activités de formation déterminées ou reconnues par le Conseil Supérieur de la Justice avec l'approbation du Procureur-Général. La promotion au troisième degré se produit après au moins deux mandats dans le deuxième échelon et après avoir réalisé les activités de formation déterminées et reconnues par le Conseil supérieur de la justice et avec l'approbation du procureur général. Pour accéder aux deuxième et troisième échelons, il est nécessaire d'avoir obtenu l'avis favorable sur l'exercice de la fonction de la part du Conseil supérieur de la justice et du procureur-général, en accord avec le rapport formulé par les procureurs-adjoints, et la réalisation des modules d'activité du ministère public ainsi que la formation continue établie par l'alinéa 2 de cet article. A cet effet le Conseil Supérieur de la justice peut demander leur avis aux personnes qu'il juge opportunes.»

Les procureurs peuvent aussi accéder à la fonction de magistrats; l'article 66 ter de la LQJ le prévoit. En effet, cette disposition prévoit que les batlles et les procureurs peuvent accéder à la catégorie de magistrat par concours de promotion convoqué par le Conseil Supérieur de la justice, lorsqu'il y a une place vacante dans cette catégorie ou qu'une place de nouvelle création doit être couverte par ce système en priorité. Ce concours est ouvert aux batlles et procureurs ayant complété au moins deux mandats.

5.1.3. Mandate and retirement of judges and prosecutors

121. Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

Yes, please indicate the compulsory retirement age:

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: D'après l'article 89.3 de la Constitution andorrane, le Conseil Supérieur de la Justice Andorrane nomme les juges et les magistrats; exerce sur eux la fonction disciplinaire et promeut les conditions pour que l'Administration de Justice dispose des moyens appropriés pour son bon fonctionnement. Tous les juges sont nommés pour un mandat renouvelable de six ans. Cela est précisé à l'article 90 de la Constitution Andorrane qui dispose que tous les juges, indépendamment de leur catégorie, seront nommés pour un mandat renouvelable de six ans, parmi les personnes diplômées en Droit qui ont les aptitudes techniques pour l'exercice de la fonction juridictionnelle. Cela est aussi précisé à l'article 31 de la LQJ. Le Conseil Supérieur de la Justice accorde le renouvellement du mandat des juges et magistrats, sauf dans les cas où la personne intéressée y renonce. Le Conseil Supérieur peut accorder le non renouvellement du mandat des juges et magistrats si la personne intéressée a commis des fautes graves. L'accord de non renouvellement se fait par résolution motivée avec audience de la personne intéressée. Un recours peut être interjeté contre la résolution du Conseil Supérieur de Justice devant le Tribunal Supérieur. Le Conseil Supérieur de la Justice peut accorder le non renouvellement du mandat des batlles et magistrats si la personne intéressée a été sanctionnée disciplinairement pour la commission de deux fautes graves ou très graves sans séparation de la charge, dès lors que les sanctions imposées n'ont pas prescrit ou n'ont pas été radiées d'office du registre conformément à l'article 85.3, sans préjudice des responsabilités qui puissent en dériver. Toutes ces dispositions sont prévues à l'article 68.3 de la LQJ. L'accord de non renouvellement du mandat doit être motivé, avec audience préalable de la personne intéressée. La décision du Conseil Supérieur de la Justice est susceptible de recours devant le Tribunal Supérieur.

121-1. Can a judge be transferred (to another court) without his/her consent:

For disciplinary reasons

For organisational reasons

[] For other reasons (please specify modalities and safeguards):

[X] No

Comments En Andorre, la juridiction est unique et s'exerce en pleine indépendance par la «Batllia» et les tribunaux. Dans l'exercice de son activité juridictionnelle, les juges et magistrats sont indépendants par rapport à tous les organes judiciaires et au Conseil Supérieur de la Justice. L'article 85 de la constitution Andorrane dispose: «Au nom du peuple andorran la Justice est administrée exclusivement par des juges indépendants, inamovibles, dans le domaine de ses fonctions juridictionnelles, soumis uniquement à la Constitution et à la loi». En outre, le premier alinéa de l'article 2 de la loi qualifiée de la justice dispose «Dans l'exercice de l'autorité juridictionnelle les juges et magistrats sont indépendants par rapport à tous les organes judiciaires et au Conseil Supérieur de la Justice». L'article 67 de la LQJ permet de préserver l'indépendance judiciaire, puisqu'il dispose: «Pendant la durée de leur mandat, les batlles et magistrats ne pourront être réprimandés, suspendus de leurs fonctions, ni séparés de leur poste, sauf comme conséquence d'une sanction imposée pour responsabilité pénale ou disciplinaire, conformément à la procédure établie et avec les garanties d'audience et de défense».

Dans l'exercice de l'activité juridictionnelle les juges et magistrats sont indépendants de tous les organes judiciaires et du Conseil Supérieur de la Justice. Les tribunaux andorrans ne peuvent pas corriger l'interprétation ou l'application de l'ordre juridique faite par leurs inférieurs, si ce n'est dans le cas d'un recours ou en appel. En outre, les juges et magistrats qui se croient menacés ou perturbés dans leur indépendance peuvent s'adresser au Conseil Supérieur de Justice. Ni les tribunaux ni le Conseil Supérieur de la Justice ne peuvent dicter des instructions. Tout cela est prévu par l'article 2 de la loi LQJ.

122. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?

() Yes, duration of the probation period (in years):

() No

[X] NAP

Comments

123. Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

() Yes, please indicate the compulsory retirement age:

(X) No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

124. Is there a probation period for public prosecutors? If yes, how long is this period?

() Yes, duration of the probation period (in years):

(X) No

Comments

125. If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)? Is it renewable?

(X) Yes, what is the length of the mandate (in years)?6 ans

() No

Comments

126. If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)? Is it renewable?

(X) Yes, what is the length of the mandate (in years)?6 ans

() No, what is the length of the mandate (in years)?

Comments

5.2. Training

5.2.1. Training of judges

127. Types of different trainings offered to judges

	Compulsory	Optional	No training proposed
Initial training (e.g. attend a judicial school, traineeship in the court)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
General in-service training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
In-service training for management functions of the court (e.g. court president)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
In-service training for the use of computer facilities in courts	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

128. Frequency of the in-service training of judges:

	Frequency of the judges training
General in-service training	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for management functions of the court (e.g. court president)	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for the use of computer facilities in courts	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

Comments - Please indicate any information on the periodicity of the continuous training of judges:

5.2.2. Training of prosecutors

129. Types of different trainings offered to public prosecutors

	Compulsory	Optional	No training proposed
Initial training	(X) Yes () No	() Yes (X) No	(X) Yes () No
General in-service training	(X) Yes () No	() Yes (X) No	(X) Yes () No
In-service training for specialised functions (e.g. public prosecutors specialised on organised crime)	() Yes (X) No	(X) Yes () No	(X) Yes () No
In-service training for management functions in the courts (e.g. Head of prosecution office, manager)	() Yes (X) No	(X) Yes () No	(X) Yes () No
In-service training for the use of computer facilities in office	(X) Yes () No	() Yes (X) No	(X) Yes () No

Comments

130. Frequency of the in-service training of public prosecutors :

	Frequency of the in-service training
General in-service training	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for management functions in office (e.g. Head of prosecution office, manager)	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for the use of computer facilities in office	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors:

131. Do you have public training institutions for judges and / or prosecutors?

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	[]	[]	[]
One institution for prosecutors	[]	[]	[]

One single institution for both judges and prosecutors	[]	[]	[]
---	-----	-----	-----

Comments Nous n'avons pas d'institution publique chargée de la formation des juges et des procureurs et nous faisons appel aux écoles judiciaires française et espagnole grâce à la signature de conventions.

131-0. (Modified question) If yes, what is the budget of such institution(s)?

	Budget of the institution for the reference year, in €
One institution for judges	[] NA [X] NAP
One institution for prosecutors	[] NA [X] NAP
One single institution for both judges and prosecutors	[] NA [X] NAP

Comments

131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how these judges and/or prosecutors are trained?

. Ainsi, la Loi confère au Conseil Supérieur de la Justice la compétence pour organiser des activités de formation ou de conclure des accords avec d'autres institutions dans ce but.

L'article 38 bis, il doit déterminer les programmes de formation initiale et continue.

L'article 66 bis. 7 prévoit que lorsque la procédure de sélection est terminée, les personnes qui ont été admises doivent poursuivre une formation complémentaire et spécifique que détermine le CSJ et qui est prévue dans les conditions du concours public. Cette formation dure minimum un an et inclut des stages pratiques dans des services judiciaires.

L'article 64 de la LQJ prévoit que la carrière judiciaire comprend les batlles (juges) et les magistrats. La catégorie des batlles (juges de première instance) ou des procureurs adjoints connaît 3 degrés. L'accès à la catégorie de batlle ou de procureur adjoint se produit au premier degré, pour être promu au deuxième degré il faut avoir complété au minimum un mandat dans la catégorie et avoir réalisé les activités formatives déterminées ou reconnues par le CSJ. La promotion au troisième degré se produit après l'accomplissement d'au moins 2 mandats dans le second degré et après avoir réalisé les activités formatives déterminées au reconnues par le CSJ.

Un système similaire est prévu pour la catégorie de magistrat mais là il n'existe que 2 degrés.

5.3.Practice of the profession

5.3.1.Salaries and benefits of judges and prosecutors

132. Salaries of judges and public prosecutors on 31 December of the reference year:

Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency

First instance professional judge at the beginning of his/her career	59098 <input type="checkbox"/> NA <input type="checkbox"/> NAP	54665 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	88660 <input type="checkbox"/> NA <input type="checkbox"/> NAP	82010 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Public prosecutor at the beginning of his/her career	59098 <input type="checkbox"/> NA <input type="checkbox"/> NAP	54665 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General).	88660 <input type="checkbox"/> NA <input type="checkbox"/> NAP	82010 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments L'article 11 de la LQJ : Les juges et les magistrats reçoivent une rémunération à charge du budget de l'Etat et ne peuvent recevoir directement ou à travers le budget aucun honoraire ni taxe judiciaire en leur bénéfice. Les rétributions sont régulées par une loi qui est entrée en vigueur en 2016 et qui établit le régime rétributif des juges, magistrats, procureurs et membres du CSJ. Cette loi a diminué les salaires des juges en début de carrière et prévoit le salaire des magistrats à plein temps puisque depuis 2015 ont été nommés des magistrats à plein temps au tribunal superior et au tribunal de corts. Nous ne faisons pas de différence entre les procureurs ils sont tous assignés aussi bien pour la première instance que pour les instances de recours.

133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Special pension	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Housing	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other financial benefit	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

134. If "other financial benefit", please specify:

NAP

135. Can judges combine their work with any of the following other functions/activities?

	With remuneration	Without remuneration
Teaching	(X) Yes () No	(X) Yes () No
Research and publication	(X) Yes () No	(X) Yes () No
Arbitrator	() Yes (X) No	() Yes (X) No
Consultant	() Yes (X) No	() Yes (X) No
Cultural function	(X) Yes () No	(X) Yes () No
Political function	() Yes (X) No	() Yes (X) No
Other function	() Yes (X) No	(X) Yes () No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify. L'article 69 de la Loi qualifiée de la justice prévoit les incompatibilités des juges et magistrats qui s'appliquent aussi aux procureurs.

La loi les autorise à s'occuper d'activités de gestion de patrimoine personnel, à la participation à des congrès, conférences ou séminaires, à la production et création littéraire, artistique, scientifique et technique, à l'enseignement et à la participation non rémunérée dans des associations ou des fondations non lucratives.

137. Can public prosecutors combine their work with any of the following other functions/activities?

	With remuneration	Without remuneration
Teaching	(X) Yes () No	(X) Yes () No
Research and publication	(X) Yes () No	(X) Yes () No
Arbitrator	() Yes (X) No	() Yes (X) No
Consultant	() Yes (X) No	() Yes (X) No
Cultural function	(X) Yes () No	(X) Yes () No
Political function	() Yes (X) No	() Yes (X) No
Other function	() Yes (X) No	(X) Yes () No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify. voir réponse question 135

139. Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative

objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time) or cases examination?

Yes

No

Comments - If yes, please specify the conditions and possibly the amounts: Sur mandat législatif, le CSJ doit établir des modules d'activité qui permettront évaluer le travail des juges sur la base d'objectifs. Ces évaluations auront pour conséquences l'allocation de primes de productivité mais cela ne sera viable qu'à partir de 2018.

5.4. Disciplinary procedures

5.4.1. Authorities responsible for disciplinary procedures and sanctions

140. Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?

Court users

Relevant Court or hierarchical superior

High Court / Supreme Court

High Judicial Council

Disciplinary court or body

Ombudsman

Parliament

Executive power (please specify):

Other (please specify):

This is not possible

Comments

141. Who is authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):

Citizens

Head of the organisational unit or hierarchical superior public prosecutor

Prosecutor General / State public prosecutor

Public prosecutorial Council (and Judicial Council)

Disciplinary court or body

Ombudsman

Professional body

Executive power (please specify):

Other (please specify):

This is not possible

Comments

142. Which authority has disciplinary power over judges? (multiple options possible)

- Court
- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify):
- Other (please specify):

Comments

143. Which authority has disciplinary power over public prosecutors? (multiple options possible):

- Supreme Court
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify):
- Other (please specify):

Comments

5.4.2. Number of disciplinary procedures and sanctions

144. Number of disciplinary proceedings initiated during the reference year against judges and public prosecutors. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Judges	Prosecutors
Total number (1+2+3+4)	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If “other”, please specify:

145. Number of sanctions pronounced during the reference year against judges and public prosecutors:

	Judges	Prosecutors
Total number (total 1 to 9)	0 [] NA [] NAP	0 [] NA [] NAP
1. Reprimand	0 [] NA [] NAP	0 [] NA [] NAP
2. Suspension	0 [] NA [] NAP	0 [] NA [] NAP
3. Withdrawal from cases	0 [] NA [] NAP	0 [] NA [] NAP
4. Fine	0 [] NA [] NAP	0 [] NA [] NAP
5. Temporary reduction of salary	0 [] NA [] NAP	0 [] NA [] NAP
6. Position downgrade	0 [] NA [] NAP	0 [] NA [] NAP
7. Transfer to another geographical (court) location	0 [] NA [] NAP	0 [] NA [] NAP
8. Resignation	0 [] NA [] NAP	0 [] NA [] NAP
9. Other	0 [] NA [] NAP	0 [] NA [] NAP

Comments - If “other”, please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons.

E3. Please indicate the sources for answering questions 144 and 145:

Sources: Consell Superior de la Justícia

6.Lawyers

6.1.Profession of lawyer

6.1.1. Status of the profession of lawyers

146. Total number of lawyers practising in your country:

[200]

[] NA

[] NAP

Comments

147. Does this figure include “legal advisors” who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

Yes ()

No (X)

Comments

148. Number of legal advisors who cannot represent their clients in court:

[]

[] NA

[X] NAP

Comments

149. (Modified question) Do lawyers have a monopoly on legal representation in (multiple options are possible):

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	() Yes (X) No [] NAP	(X) Yes () No [] NAP	() Yes () No [X] NAP
Dismissal cases	(X) Yes () No [] NAP	(X) Yes () No [] NAP	() Yes () No [X] NAP
Criminal cases - Defendant	(X) Yes () No [] NAP	(X) Yes () No [] NAP	() Yes () No [X] NAP
Criminal cases - Victim	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes () No [X] NAP
Administrative cases	(X) Yes () No [] NAP	(X) Yes () No [] NAP	() Yes () No [X] NAP
There is no monopoly	() Yes (X) No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP

Comments - Please, indicate any useful clarifications regarding the content of lawyers' monopoly:

149-0. (New question) If there is no monopoly, please specify the organisations or persons that

may represent a client before a court:

	First instance	Second instance	Highest instance court (Supreme Court)
Civil society organisation	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes () No [X] NAP
Family member	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes () No [X] NAP
Self-representation	(X) Yes () No [] NAP	(X) Yes () No [] NAP	() Yes () No [X] NAP
Trade union	() Yes () No [X] NAP	() Yes () No [X] NAP	() Yes () No [X] NAP
Other	(X) Yes () No [] NAP	(X) Yes () No [] NAP	() Yes () No [X] NAP

Comments - If "other", please specify. In addition, please specify for the categories mentioned, the types of cases concerned by this/these representation(s): Au civil: 1ère instance -Pour les affaires de moins de 1200 euros, le justiciable n'a pas besoin d'avocat. Au pénal (procureur)

149-1. In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?

- [] Notarial activity
- [X] Arbitration / mediation
- [X] Proxy / representation
- [] Property manager
- [] Real estate agent
- [X] Other law activities (please specify):

Comments

149-2. What are the statuses for exercising the legal profession in court?

- [X] Self-employed lawyer
- [X] Staff lawyer
- [] In-house lawyer

Comments L'avocat peut être salarié uniquement d'un autre avocat.

150. Is the lawyer profession organised through:

- [X] a national bar association
- [] a regional bar association
- [] a local bar association

Comments

151. Is there a specific initial training and/or exam to enter the profession of lawyer?

Yes

No

Comments - If not, please indicate if there are other specific requirements as regards diplomas or university degrees:

152. Is there a mandatory general system for lawyers requiring in-service professional training?

Yes

No

Comments Mais il est prévu de le faire prochainement

153. Is the specialisation in some legal fields linked to specific training, levels of qualification, specific diploma or specific authorisations?

Yes

No

Comments - If yes, please specify:

F1. Please indicate the sources for answering questions 146 and 148:

Sources: Barreau des Avocats de la Principauté d'Andorre

6.1.2. Practicing the profession



154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the foreseeable amount of fees)?

Yes

No

Comments

155. Are lawyers' fees freely negotiated?

Yes

No

Comments

156. Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?

Yes laws provide rules

Yes standards of the bar association provide rules

No neither laws nor bar association standards provide rules

Comments

6.1.3. Quality standards and disciplinary procedures



157. Have quality standards been determined for lawyers?

- Yes
 No

Comments - If yes, what are the quality criteria used?

158. If yes, who is responsible for formulating these quality standards:

- the bar association
 the Parliament
 other (please specify):

Comments

159. Is it possible to file a complaint about:

- the performance of lawyers
 the amount of fees

Comments - Please specify: Il s'agit d'une procédure administrative ou arbitrale devant le Barreau ou bien par la présentation d'une action en justice.

160. Which authority is responsible for disciplinary procedures?

- the judge
 the Ministry of Justice
 a professional authority
 other (please specify):

Comments

161. Disciplinary proceedings initiated against lawyers. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Number of disciplinary proceedings
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	11 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	11 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify:

162. Sanctions pronounced against lawyers.

	Number of sanctions
Total number of sanctions (1 + 2 + 3 + 4 + 5)	6 [] NA [] NAP
1. Reprimand	5 [] NA [] NAP
2. Suspension	0 [] NA [] NAP
3. Withdrawal from cases	0 [] NA [] NAP
4. Fine	1 [] NA [] NAP
5. Other	0 [] NA [] NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons.

7. Alternative dispute resolutions

7.1. Mediation

7.1.1. Details on mediation procedures and other ADR

163. Does the judicial system provide for judicial mediation procedures? If this is not the case you will go directly to question 168.

() Yes

(X) No

Comments

163-1. In some fields, does the judicial system provide for mandatory mediation procedures?

[] Before going to court

[] Ordered by a judge in the course of a judicial proceeding

Comments - If there are mandatory mediation procedures, please specify which fields are concerned:

164. Please specify, by type of cases, the organisation of judicial mediation:

Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
-------------------------	------------------	---	-------	-------------------

Civil and commercial cases	() Yes () No	() Yes () No	() Yes () No	() Yes () No	() Yes () No
Family law cases (ex. divorce)	() Yes () No	() Yes () No	() Yes () No	() Yes () No	() Yes () No
Administrative cases	() Yes () No	() Yes () No	() Yes () No	() Yes () No	() Yes () No
Employment dismissals	() Yes () No	() Yes () No	() Yes () No	() Yes () No	() Yes () No
Criminal cases	() Yes () No	() Yes () No	() Yes () No	() Yes () No	() Yes () No

Comments

165. Is there a possibility to receive legal aid for judicial mediation procedures?

- () Yes
() No

Comments - If yes, please specify:

166. Number of accredited or registered mediators who practice judicial mediation:

- []
[] NA
[] NAP

Comments

167. Number of judicial mediation procedures.

	Number of judicial mediation procedures
Total number of mediation cases (total 1 + 2 + 3 + 4 + 5)	[] NA [] NAP
1. Civil and commercial cases	[] NA [] NAP
2. Family cases	[] NA [] NAP
3. Administrative cases	[] NA [] NAP
4. Employment dismissal cases	[] NA [] NAP
5. Criminal cases	[] NA [] NAP

Comments - Please indicate the source:

168. Does the legal system provide for the following alternative dispute resolutions (ADR):

mediation other than judicial mediation

arbitration

conciliation

other ADR (please specify):

Comments elle est prévue en matière du droit du travail

G1. Please indicate the source for answering question 166:

Source: Au mois d'octobre de cette année le gouvernement a présenté devant le parlement un projet de loi de la médiation.

Consell Superior de la Justícia

Consell General

8.Enforcement of court decisions

8.1.Execution of decisions in civil matters

8.1.1.Functioning

169. Do you have enforcement agents in your judicial system?

Yes

No

Comments

170. Number of enforcement agents

[3]

NA

NAP

Comments Il s'agit d'une nouveauté dans notre système judiciaire. Agents d'exécution privés, puisque avant l'exécution était exercée par des fonctionnaires sous l'autorité judiciaire. La Loi 43/2014 du 18 décembre 2014 a créée les agents d'exécution privés, ils ont commencé à travailler en 2016

171. Are enforcement agents (multiple options are possible):

judges

bailiffs practising as private professionals under the authority (control) of public authorities

bailiffs working in a public institution

other

Comments - Please specify their status and powers: La Loi 43/2014 du 18 décembre 2014 a créée les agents d'exécution privés, ils ont commencé à travailler en 2016

171-1. Do enforcement agents have the monopoly in exercising their profession?

Yes

() No

Comments - Please indicate any useful clarifications regarding the content of the enforcement agents' monopoly or on the opposite regarding the competition they have to deal with:

171-2. Can the enforcement agent carry out the following civil enforcement proceedings:

	Option
Seizure of movable tangible properties	() Yes with monopole (X) Yes without monopole () No [] NAP
Seizure of immovable properties	() Yes with monopole (X) Yes without monopole () No [] NAP
Seizure from a third party of the debtor claims regarding a sum of money	() Yes with monopole (X) Yes without monopole () No [] NAP
Seizure of remunerations	() Yes with monopole (X) Yes without monopole () No [] NAP
Seizure of motorised vehicles	() Yes with monopole (X) Yes without monopole () No [] NAP
Eviction measures	() Yes with monopole () Yes without monopole (X) No [] NAP
Enforced sale by public tender of seized properties	() Yes with monopole (X) Yes without monopole () No [] NAP
Other	() Yes with monopole () Yes without monopole () No [X] NAP

Comments

171-3. Apart of the enforcement of court decisions, what are the other activities that can be carried out by enforcement agents?

[] Service of judicial and extrajudicial documents

[X] Debt recovery

[X] Voluntary sale of moveable or immovable property at public auction

[] Seizure of goods

- Recording and reporting of evidence
- Court hearings service
- Provision of legal advice
- Bankruptcy procedures
- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager
- Other

Comments

172. Is there a specific initial training or exam to become an enforcement agent?

- Yes
- No

Comments Le recrutement des saigs (agents d'exécution) se fait sur une procédure de concours parmi des personnes de nationalité andorrane ayant un diplôme de niveau 4 dans le domaine du droit reconnu par le Gouvernement andorran.

Après la procédure de recrutement et avant de prendre possession de leur charge le saig doit suivre une formation initiale de minimum 6 mois

172-1. Is there a system of mandatory general continuous training for enforcement agents?

- Yes
- No

Comments Les saigs sont obligés de suivre une formation continue d'une durée minimum de 20 heures par an ou de 40 heures par période de 2 ans.

173. Is the profession of enforcement agents organised by (the answer NAP means that the profession is not organised):

- a national body
- a regional body
- a local body
- NAP

Comments

174. Are enforcement fees easily established and transparent for the court users?

- Yes
- No

Comments Les honoraires du saig sont fixés par un barème approuvé règlementairement par le Gouvernement.

Le saig doit informer la personne qui demande l'exécution de la somme prévisible des dépenses de l'exécution à satisfaire.

Art. 7 de la loi 43/2014

175. Are enforcement fees freely negotiated?

- Yes

(X) No

Comments

176. Do laws provide any rules on enforcement fees (including those freely negotiated)?

(X) Yes

() No

Comments Le saig doit informer la personne qui demande l'exécution de la somme prévisible des dépenses de l'exécution à satisfaire.
Le saig doit être remboursé sur les frais qu'il a pu avancer dans l'exercice de ses fonctions.

Art. 7 de la loi 43/2014

H0. Please indicate the sources for answering question 170

Source: Loi 43/2014 du 18 décembre 2014

8.1.2. Efficiency of enforcement services



177. Is there a body entrusted with supervising and monitoring the enforcement agents' activity?

(X) Yes

() No

Comments

178. Which authority is responsible for supervising and monitoring enforcement agents?

[] a professional body

[X] the judge

[X] the Ministry of Justice

[] the public prosecutor

[] other (please specify):

Comments

179. Have quality standards been determined for enforcement agents?

() Yes

(X) No

Comments - If yes, what are the quality criteria used?

180. If yes, who is responsible for establishing these quality standards?

[X] a professional body

[] the judge

[] the Ministry of Justice

[] other (please specify):

Comments La chambre des Saigs

181. Is there a specific mechanism for executing court decisions rendered against public authorities, including supervising such execution?

- Yes
- No

Comments - If yes, please specify:

182. Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?

- Yes
- No

Comments - If yes, please specify: Le saig exécute les décisions judiciaires et les actes administratifs exécutoires par délégation et sous le contrôle du juge ou de l'autorité administrative qui a dicté la décision judiciaire ou l'acte administratif.

183. What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.

- no execution at all
- non execution of court decisions against public authorities
- lack of information
- excessive length
- unlawful practices
- insufficient supervision
- excessive cost
- other (please specify):

Comments

184. Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

- Yes
- No

Comments - If yes, please specify:

185. Is there a system measuring the length of enforcement procedures:

	Existence of the system
for civil cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
for administrative cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

186. As regards a decision on debt collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits (one option only):

- between 1 and 5 days
- between 6 and 10 days
- between 11 and 30 days
- more (please specify):

Comments

187. Number of disciplinary proceedings initiated against enforcement agents. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Number of disciplinary proceedings initiated
Total number of initiated disciplinary proceedings (1+2+3+4)	0 [] NA [] NAP
1. For breach of professional ethics	0 [] NA [] NAP
2. For professional inadequacy	0 [] NA [] NAP
3. For criminal offence	0 [] NA [] NAP
4. Other	0 [] NA [] NAP

Comments - If "other", please specify:

188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
Total number of sanctions (1+2+3+4+5)	0 [] NA [] NAP
1. Reprimand	0 [] NA [] NAP
2. Suspension	0 [] NA [] NAP
3. Withdrawal from cases	0 [] NA [] NAP
4. Fine	0 [] NA [] NAP

5. Other

0

NA

NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons:

H1. Please indicate the sources for answering questions 186, 187 and 188:

Source: Loi 43/2014 et Chambre des Saigs

8.2. Execution of decisions in criminal matters

8.2.1. Functioning of execution in criminal matters

189. Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

Judge

Public prosecutor

Prison and Probation Services

Other authority (please specify):

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions). fonctions d'initiative et de contrôle

190. Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

Yes

No

Comments

191. If yes, what is the recovery rate?

80-100%

50-79%

less than 50%

Comments - Please indicate the source for answering this question:

9. Notaries

9.1. Profession of notary

9.1.1. Number and status of notaries

192. Number and type of notaries in your country. If you do not have notaries skip to question 197.

	Number of notaries
TOTAL	4 [] NA [] NAP
Private professionals (without control from public authorities)	0 [] NA [] NAP
Private professionals under the authority (control) of public authorities	4 [] NA [] NAP
Public agents	0 [] NA [] NAP
Other	0 [] NA [] NAP

Comments - If "other", please specify the status: Loi du notariat

192-1. What are the access conditions to the profession of notary:

- diploma
- payment of a fee (e.g. purchasing office)
- co-opting of peers
- other

Comments Concours + formation de 6 mois (art. 8 et 9 de la loi du notariat)

192-2. (Modified question) What is the duration of appointment of a notary?

- Limited duration, please indicate it in years:
- Unlimited duration

Comments Art. 11 de la loi du notariat prévoit les causes de fin de la nomination: renonciation, sanction pour faute très grave, retraite à 65 ans, décès.

194. Do notaries have duties (multiple options possible):

- within the framework of civil procedure
- in the field of legal advice
- to certify the authenticity of legal deeds and certificates
- in the field of mediation
- other (please specify):

Comments Ils ont le monopole de la foi publique en dehors du cadre juridictionnel.

194-1. Do notaries have the monopoly when exercising their profession:

- in civil procedure
- in the field of legal advice
- to authenticate deeds/certificates

in the field of mediation

other

Comments - Please indicate any useful clarifications regarding the content of the notaries' monopoly or on the opposite regarding the competition they have to deal with:

194-2. As well as these activities, what are the other ones that can be carried out by notaries?

Real estate transaction

Settlement of estates

Legality control of gambling activities

Authentication of documents

Translations

Signatures

Other

Comments Ils ont le monopole des actes sociétaire comme les ventes par participations...

195. Is there an authority entrusted with supervising and monitoring the notaries' work?

Yes

No

Comments

196. If yes, which authority is responsible for supervising and monitoring notaries?

a professional body

the judge

the Ministry of Justice

the public prosecutor

the Ministry of Interior

other (please specify):

Comments Art. 19 de la Loi du notariat

196-1. Is there a system of general continuous training mandatory for all notaries?

Yes

No

Comments Etabli par le Ministère de la Justice en collaboration avec la Chambre des Notaires

I1. Please indicate the sources for answering question 192:

Sources: Président de la Chambre des Notaires de la Principauté d'Andorre

10. Court interpreters

10.1. Details on profession of court interpreter

10.1.1. Status of court interpreters

197. Is the title of court interpreters protected?

Yes

No

Comments

198. Is the function of court interpreters regulated by legal norms?

Yes

No

Comments loi du 20 juin 1996 dite de la traduction et/ou de l'interprétation assermentées

199. Number of accredited or registered court interpreters:

[18]

NA

NAP

Comments BOPA.AD

200. Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

Yes

No

Comments - If yes, please specify:

201. Are the courts responsible for selecting court interpreters?

Yes, for recruitment and/or appointment for a specific term of office

Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No, please specify which authority selects court interpreters le Gouvernement

Comments le Gouvernement est responsable de la sélection des interpretes judiciaires

J1. Please indicate the sources for answering question 199

Sources: BOPA.AD

11. Judicial experts

11.1. Profession of judicial expert

11.1.1. Status of judicial experts

202. In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):

- "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation,
- "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal,
- "legal experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).
- Other (please specify):

Comments

202-1. Are there lists or databases of technical experts registered?

- Yes
- No

Comments - Please, indicate any useful comment regarding these lists of experts if they do exist (e.g. : who decide of the registration on the list ? Is the registration limited in time ? does the expert take the oath ? how is his/her skill evaluated ? by whom ?) En Andorre, il n'existe pas d'experts auprès des tribunaux. Souvent les juges ont recours aux associations professionnelles pour désigner un expert dans les affaires judiciaires.

203. Is the title of judicial experts protected?

- Yes
- No

Comments - If appropriate, please explain the meaning of this protection:

203-1. Does the expert have an obligation of training?

	Obligation of training
Initial training	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Continuous training	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

203-2. If yes, does this training concern:

- the proceeding
- the profession of expert
- other

Comments

204. Is the function of judicial experts regulated by legal norms?

- Yes

No

Comments

204-1. On the occasion of a mission entrusted to him/her, does the expert have to report any potential conflicts of interest?

Yes

No

Comments

205. Number of accredited or registered judicial / technical experts:

[]

NA

NAP

Comments

205-1. Who sets the expert remuneration?

- l'expert

206. Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

Yes

No

Comments - If yes, please specify, in particular the given time to provide a technical report to the judge:

207. Are the courts responsible for selecting judicial experts?

Yes, for recruitment and/or appointment for a specific term of office

Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No, please specify which authority selects judicial expertsNAP

Comments

207-1. Does the judge control the progress of investigations?

Yes

No

Comments

K1. Please indicate the sources for answering question 205

Sources: Consell Superior de la Justícia

12.Reforms in judiciary

12.1.Foreseen reforms

12.1.1.Reforms

208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. Have innovative projects been implemented? If possible, please observe the following categories:

1. (Comprehensive) reform plans NAP

2. Budget NAP

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings) L'Etat andorran est en train de construire un Palais de Justice qui accueillera toutes les juridictions, le Ministere Public ainsi que le Consell Superior de la Justícia. Sa livraison est prévue pour le mois de mai 2019

3.1. Access to justice and legal aid NAP

4. High Judicial Council NAP

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. Sur demande du Consell Superior de la Justícia, et sur recommandations du GRECO, le Ministere de la Justice est en train de préparer une modification de la loi qualifiée de la Justice pour déployer la procédure disciplinaire applicable aux juges, magistrats et procureurs.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities Le Ministère de la Justice est en train de finir un projet de code de procédure civile qui inclura le principe de l'oralité. Sa présentation devant le Parlement est prévue pour le début de l'année 2018.

7. Enforcement of court decisions NAP

8. Mediation and other ADR Au mois d'octobre le Gouvernement a soumis au Parlement un Projet de loi de la médiation Cette loi a pour objectif de créer une régulation de la médiation d'accord avec les nouveautés législatives qui ont eu lieu ces dernières années aussi bien en Andorre qu'en Europe.

9. Fight against crime En 2017, le Parlement a approuvé 2 lois en la matière.
La première le 22 juin, a été approuvée la loi de prévention et de lutte contre le blanchiment d'argent et du financement du terrorisme. La deuxième, le 13 juillet, vient modifier le code pénal, en:

- incluant comme délit subissant au délit du blanchiment la contrebande de biens c'est à dire non seulement des marchandises sensibles (comme c'était le cas)
- incluant le délit fiscal subissant au délit de blanchiment.
- s'adaptant aux Conventions de Varsovie et de Mérida, le Parlement a modifié l'article 87 du code de procédure pénale et permettre au Ministère Public d'obtenir toute information directement de n'importe quelle entité financière, ou personne physique ou juridique soumise au secret professionnel.

Ainsi l'Andorre s'est doté d'un véritable système pour lutter contre le blanchiment d'argent.

9.1. Prison system NAP

9.2 Child friendly justice NAP

9.3. Violence against partners NAP

10. New information and communication technologies Le Ministère de la Justice est en train de travailler sur une législation qui devrait instaurer le PSP (plateforme informatique qui doit permettre une communication directe entre la Justice et les professionnels du droit (avocats, les avoués....) Cette législation devrait accompagner le projet de loi du code de procédure civile.

11. Other NAP