



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2009

Country: Andorra

National correspondent

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1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants

84484

2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State level	416132760
Regional / entity level	NA

3) Per capita GDP (in €)

30560

4) Average gross annual salary (in €)

23371

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2009

Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

Andorra i el seu sistema financer (Association des banques andorranes)

1. 2. Budgetary data concerning judicial system

1. 2. 1. Budget (courts, public prosecution, legal aid, fees)

6) Total annual approved budget allocated to all courts (in €)

7070954

7) Please specify

8) Does the approved budget of the courts include the following items? Please give for each item (or some of them) a specification of the amount concerned or indicate NA (not available) in case that the information cannot be supplied

Please provide comments to explain the data provided under question 8:

Annual public budget allocated to (gross) salaries

Yes

5951017

Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	17500
Annual public budget allocated to justice expenses	<input checked="" type="checkbox"/> Yes	1079876
Annual public budget allocated to court buildings (maintenance, operation costs)		NA
Annual public budget allocated to investments in new (court) buildings		NA
Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	22561
Other (please specify):	<input type="checkbox"/> Yes	

Comment :

9) Has the annual public budget of the courts changed (increased or decreased) over the last five years?

- Yes
 No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years:

2004: 4874161
2005: 5366840
2006: 5941464
2007: 6407510
2008: 7070954

10) In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

- for criminal cases?
 for other than criminal cases?

If yes, are there exceptions? Please specify:

En matière civile il existe une loi des taxes qui fixe le montant en fonction de la matière.
Les personnes bénéficiant de l'aide judiciaire en sont exemptées.

11) If yes, please specify the annual income of court fees (or taxes) received by the State (in Euros)

NA

12) Total annual approved budget allocated to the whole justice system (in €)

Please provide information concerning the budgetary elements that included in the whole justice system budget:

. Amount

Comment :

13) Total annual approved public budget allocated to legal aid (in €)**Please provide comments to explain the figure provided under question 13:**. Amount

Comment :

NA

14) If possible, please specify (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Annual public budget allocated to legal aid in criminal law cases	Annual public budget allocated to legal aid in non criminal law cases
Amount	NA	NA

Comment :

15) Is the public budget allocated to legal aid included in the court budget ? Yes No**16) Total annual approved public budget allocated to the public prosecution system (in €)****Please provide comments to explain the figure provided under question 16:**. Amount 758437

Comment :

17) Is the budget allocated to the public prosecution included in the court budget? Yes No**18) Authorities formally responsible for the budget allocated to the courts:**

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	No	No	No	No
Other ministry	No	No	No	No
Parliament	No	Yes	No	No
Supreme Court	No	No	No	No
Judicial Council	No	No	No	No
Courts	No	No	No	No
Inspection body	No	No	No	No

Other	Yes	No	Yes	Yes
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19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):

L'article 36 de la loi qualifiée de la Justice: C'est à partir des propositions budgétaires annuelles qui lui seront adressées par tous les présidents de juridiction que le Consell Superior de la Justícia élaborera un projet de budget global de fonctionnement de l'administration de la justice dans les délais prévus par la loi générale des Finances Publiques, il le transmettra ensuite au gouvernement, ou au ministère compétent. Selon un arrêt du Tribunal Constitutionnel du 16 décembre 1994 " le législateur n'a pas voulu attribué au Consell Superior de la Justícia ni l'exécution ni la gestion du budget de la justice qui appartient au gouvernement." L'adoption du budget incombe au Parlement.

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

Please indicate the sources for answering the questions 6, 8, 11, 12, 13, 14 and 16.

Loi Budgétaire 2008

2. Access to Justice and to all courts

2. 1. Legal aid

2. 1. 1. Principles

20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes
Other	No	No

21) If other, please specify (in regards to question 20):

22) Does legal aid foresee the covering or the exoneration of court fees?

Yes

No

If yes, please specify:

La loi des taxes judiciaires prévoit que le bénéficiaire de l'aide judiciaire ne paye pas les dépens.

23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?

Yes

No

24) Number of cases granted with legal aid provided by (national, regional, local) public authorities (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Number
Total	NA
in criminal cases	
Other than criminal cases	

Comment :

25) In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer?

Yes

No

26) Does your country have an income and asset test for granting legal aid:

	Yes	Amount in €
for criminal cases	X	
for other than criminal cases?	X	

Comment :

27) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?

- Yes
 No

Please provide comments to explain the answer under question 27:

28) If yes, is the decision for granting or refusing legal aid taken by:

- the court?
 an authority external to the court?
 a mixed decision-making authority (court and external)?

29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?

- Yes
 No

Please specify:

30) Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:

	Yes (the decision has an impact on who bears the legal costs)
criminal cases?	Yes
other than criminal cases?	Yes

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

La décision judiciaire détermine laquelle des parties au procès devra payer les dépens et les frais de justice ou établir une spéciale condamnation aux frais ou même peut déclarer les frais d'office.

En matière pénale: le bénéfice de la justice gratuite se trouve réglé dans le règlement qui régle le bénéfice de la justice gratuite en matière pénale du 1 mars 2000 et dans le règlement d'assistance juridique d'office devant l'autorité judiciaire et devant les services de Police.

En matière civile ou autre: ce sont les articles 99 de la Loi Qualifiée de la justice et 100 de la Loi Transitoire des Procédures judiciaires qui le prévoit.

Please indicate the sources for answering the questions 24 and 26

Sources : textes et CSJ

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

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

- | | | |
|---|---|-----------------|
| <input type="checkbox"/> legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.bopa.ad |
| <input type="checkbox"/> case-law of the higher court/s? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.justicia.ad |
| <input type="checkbox"/> other documents (for examples forms)? Internet address(es): | <input type="checkbox"/> Yes | |

32) Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

- Yes
 No

If yes, please specify:

33) Is there a public and free-of-charge specific information system to inform and to help victims of crimes?

- Yes
 No

If yes, please specify:

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

	Information mechanism	Hearing modalities	Procedural rights	Other
Victims of rape	No	Yes	No	No
Victims of terrorism	No	No	No	No
Children/Witnesses/Victims	Yes	Yes	Yes	No
Victims of domestic violence	Yes	Yes	No	No
Ethnic minorities	No	No	No	No
Disabled persons	No	No	No	No
Juvenile offenders				

	Yes	Yes	Yes	No
Other	No	No	No	No

Comment :

35) Does your country have a compensation procedure for victims of crimes?

- Yes
 No

36) If yes, does this compensation procedure consist in:

- a public fund?
 a court decision?
 a private fund?

If yes, which kind of cases does this procedure concern?

37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to victims?

- Yes
 No

If yes, please specify:

38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?

- Yes
 No

If yes, please specify:

Le code de procédure pénale prévoit notamment que le Procureur doit exercer l'action civile quand la victime ne s'est pas constituée ou a renoncé à son action.

39) Do victims of crimes have the right to contest to a decision of the public prosecution to discontinue a case?

- Yes
 No

If yes, please specify:

Le code de procédure pénale ne prévoit pas le classement d'une affaire sans suite par le Procureur. Il n'existe pas de principe d'opportunité de poursuite dans ce modèle. Toutefois chaque victime a la possibilité de saisir directement le juge.

2. 2. 2. Confidence of citizens in their justice system

40) Is there a system for compensating users in the following circumstances:

- excessive length of proceedings?
- non execution of court decisions?
- wrongful arrest?
- wrongful condemnation?

If yes, please specify (fund, daily tariff):

Article 10 de la Loi Qualifiée de la Justice (Procédure sur le mauvais fonctionnement de la justice ou pour erreur judiciaire en responsabilité de l'Etat.

Action en responsabilité contre l'Etat.

41) Does your country have surveys aimed at users or legal professionals (judges, lawyers, officials, etc.) to measure their trust and/or satisfaction (with the services delivered by the judiciary system)?

- (Satisfaction) surveys aimed at judges
- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at citizens (visitors of the court)
- (Satisfaction) surveys aimed at other clients of the courts

If possible, please specify their titles, how to find these surveys, etc:

42) If possible, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	No	No
Surveys at court level	No	No

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

- Yes
- No

44) If yes, please specify:

Please give elements of information concerning the efficiency of this complaint procedure:

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	Yes	Yes
Higher court		

	Yes	Yes
Ministry of Justice	No	No
High Council of the Judiciary	Yes	Yes
Other external organisations (e.g. Ombudsman)	Yes	Yes

Comment :

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation.

	Total number
First instance courts of general jurisdiction	1
Specialised first instance Courts (legal entities)	0
All the Courts (geographic locations) * (this includes Supreme Courts and/or High Courts)	1

46) Please specify the different areas of specialisation (and, if possible, the number of courts concerned):

En Andorre, il n'existe qu'un Tribunal de première instance qui s'appelle la Batllia d'Andorra. Dans cette juridiction il existe une chambre civile, une pénale et une administrative, ainsi qu'une chambre pour les mineurs et une spéciale de l'Instruction.

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

Yes

No

If yes, please specify:

48) Number of first instance courts competent for a case concerning (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Number
a debt collection for small claims	1
a dismissal	1
a robbery	1

Please specify what is meant by small claims in your country (answer only if the definition has been changed since the previous evaluation cycle):

les demandes de caractère civil de quantités no supérieures a 1200,00 euros sont traitées sur la procédure dite de "la mínima quantia"

Please indicate the sources for answering the questions 45 and 48:

Consell Superior de la Justícia

3. 1. 2. Judges, courts staff

49) Number of professional judges sitting in courts (please give the information in full time equivalent and for permanent posts; if there is no data please indicate this with NA)

Please provide comments to explain the answer under question 49:

Number . 23

Comment :

50) Number of professional judges sitting in courts on an occasional basis and who are paid as such:

	Number
gross figure	2
if possible, in full time equivalent	2

51) Please provide comments to explain the answer under question 50:

52) Is there in the legal system non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs? (Please indicate NA if no figures are available).

Please provide comments to explain the answer under question 52:

	Yes	Number
Do you have non-professional judges?	0	

Comment :

53) Does your judicial system include trial by jury with the participation of citizens?

- Yes
 No

If yes, for which type of case(s)?

54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?

NAP

55) Number of non-judge staff who are working in courts (in full time equivalent and

for permanent posts). Please indicate NA if no figures are available.

Please provide comments to explain the answer under question 55:

Number . 102

Comment :

NOus avons inclu dans cette réponse tout le personnel non juge qui travaille de près ou de façon plus indirecte dans les tribunaux.

Il faut savoir que les dimensions de notre administration de justice est faite à la taille de notre pays. C'est pourquoi il existe 3 juridictions en Andorre et le Consell Superior de la Justícia qui s'occupe de tous les services généraux (gestion du personnel, ressources humaines, exécution budgétaire, bibliothèque juridique, maintenance des bâtiments, informatique....)

56) If possible, could you distribute this staff according to the 4 following categories. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).

- | | | |
|---|---|----|
| - non-judge staff (Rechtspfleger or similar bodies), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal | <input checked="" type="checkbox"/> Yes | 17 |
| - non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars | <input checked="" type="checkbox"/> Yes | 67 |
| - staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) | <input checked="" type="checkbox"/> Yes | 16 |
| - technical staff | <input checked="" type="checkbox"/> Yes | 2 |

Comment :

Dans la première catégorie nous avons inclu tous les greffiers des 3 juridictions.

Dans la deuxième catégorie nous avons inclu tout le personnel qui aide les greffiers ainsi que les appariteurs qui ont des fonctions en Andorre de remise des convocations ou de significations des parties au procès. Ils sont assermentés.

Dans la troisième catégorie nous avons inclu le personnel du Consell Supérieur de la Justice qui s'occupe des services généraux.

Dans le personnel technique, nous y ajoutons le technicien d'informatique et le technicien de la maintenance.

57) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and functions:

3. 1. 3. Prosecutors

58) Number of public prosecutors (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).

Number . 5

Comment :

1 Procureur général et 4 procureurs adjoints

59) Do any other persons have similar duties as public prosecutors?

Yes

No

If yes, please specify:

60) Number of staff (non prosecutors) attached to the public prosecution service (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).

Please provide comments to explain the answer under question 60:

Number 5

Comment :

2 greffiers plus 3 administratifs

3. 1. 4. Court budget and new technologies

61) Who is entrusted with the individual court budget?

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

62) You can indicate below:

- any useful comments for interpreting the data mentioned above
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process in the court

63) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Word processing	Yes	No	No	No
Electronic data base of jurisprudence	Yes	No	No	No
Electronic files	No	No	No	No
E-mail	Yes	No	No	No

Internet connection	Yes	No	No	No
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64) For administration and management, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Case registration system	Yes	No	No	No
Court management information system	Yes	No	No	No
Financial information system	No	No	No	No

65) For the communication between the court and the parties, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic web forms	No	No	No	No
Special Website	No	No	No	No
Other electronic communication facilities	No	No	No	No

66) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

- Yes
 No

If yes, please specify the name and the address of this institution:
 Consell Superior de la Justícia

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that has been implemented over the last two years

3. 2. Monitoring and evaluation

3. 2. 1. Monitoring and evaluation

67) Are the courts required to prepare an annual activity report?

- Yes
 No

68) Do you have a regular monitoring system of court activities concerning the

- number of incoming cases?
 number of decisions?

- number of postponed cases?
- length of proceedings (timeframes)?
- other?

Please specify:

69) Do you have a regular system to evaluate the performance of each court?

- Yes
- No

Please specify:

70) Concerning court activities, have you defined performance indicators (if no, go to question 72)?

- Yes
- No

71) Please select the 4 main performance and quality indicators that is used for a proper functioning of courts:

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

Please specify:

Actuellement, le Consell Superior de la Justícia vient d'adjuger à une entreprise externe l'élaboration d'un Plan Stratégique des système d'informations de l'Administration de Justice andorrane pour les 3 ans à venir. (2010-2012).

Un des objectif de ce plan est d'incorporer les principaux indicateurs de performance et de qualité d'une bonne justice.

72) Are there performance targets defined for individual judges (if no go to question 74) ?

- Yes

No

73) Please specify who is responsible for setting the targets:

- executive power (for example the ministry of Justice)?
- legislative power
- judicial power (for example a High Judicial Council or a Higher Court)
- other

If other, please specify:

74) Are there performance targets defined at the level of the courts (if no go to question 77)?

- Yes
- No

75) Please specify who is responsible for setting the targets:

- executive power (for example the ministry of Justice)?
- legislative power
- judicial power (for example a High Judicial Council or a Higher Court)
- other

If other, please specify:

76) Please specify the main targets applied

77) Which authority is responsible for the evaluation of the performances of the courts:

- High Council of judiciary
- Ministry of justice
- inspection authority
- Supreme Court
- external audit body
- other

If other, Please specify:

78) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)?

- Yes

No

If yes, please specify:

79) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary?

Yes

No

80) Is there a system which measures the backlogs and which detects the cases not processed within a reasonable timeframe for:

civil cases?

criminal cases?

administrative cases?

81) Do you have a way of analysing waiting time during court procedures?

Yes

No

If yes, please specify:

82) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?

Yes

No

Please specify (including an indication of the frequency of the evaluation):

83) Is there a system for monitoring and evaluating the functioning of the prosecution services?

Yes

No

If yes, please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your court monitoring and evaluation system

Actuellement nous disposons d'un système informatique qui est dépassé c'est pour cela que depuis le Conseil Supérieur de la Justice nous travaillons sur la réalisation d'un Plan stratégique des systèmes d'informations qui va permettre améliorer le suivi et l'évaluation de l'activité de

toutes les juridictions et du Ministère Public.

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

84) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements)? If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).

NA

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

Yes

No

If possible, number of successful challenges (in a year):

86) Please give the following data concerning the number of cases regarding Article 6 of the European Convention of Human Rights (on duration and non-execution), for the year of reference. If there is no data available, please indicate it (NA).

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	0	0	0	0
Civil proceedings - Article 6§1 (non-execution)	0	0	1	0
Criminal proceedings - Article 6§1 (duration)	0	0	0	0

4. 2. Timeframes of proceedings

4. 2. 1. General information

87) Are there specific procedures for urgent matters as regards:

civil cases?

criminal cases?

administrative cases?

Please specify:

88) Are there simplified procedures for:

civil cases (small claims)?

criminal cases (petty offences)?

administrative cases?

Please specify (for example if you have introduced a new law on simplified procedures):

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

Yes

No

If yes, please specify:

4. 2. 2. Penal, civil and administrative law cases

90) Total number of cases in the first instance courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non litigious)*	3507	5735	5242	4000
1 Civil (and commercial) litigious cases*	1649	3255	3129	1175
2 Civil (and commercial) non-litigious cases*	127	627	628	126
3 Enforcement cases	1568	1465	1180	1853
4 Land registry cases**	NAP	NAP	NAP	NAP
5 Business register cases**	NAP	NAP	NAP	NAP
6 Administrative law cases	163	388	305	246
7 Other				
Total criminal cases (8+9)	962	4590	4781	771
8 Criminal cases (severe criminal offences)	252	257	301	208
9 Misdemeanour and / or minor offences cases	710	4333	4480	563

91) Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases - definition of misdemeanour cases, minor offences and severe criminal cases):

En matière pénale nous avons inclu dans la case 8 "Affaires pénales infractions graves" les affaires qui sont traitées par le Tribunal de Batlle pour les délits dits mineurs et du Tribunal de Corts pour les délits majeurs.

92) Total number of cases in the second instance (appeal) courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations).

*** Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**** if applicable**

Please check the consistency of data as mentioned under question 91.

Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases and possibly the existence of appeal rates for some case categories):

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non-litigious)*	252	491	544	199
1 Civil (and commercial) litigious cases*	NA	NA	NA	NA
2 Civil (and commercial) non-litigious cases*	NA	NA	NA	NA
3 Enforcement cases	NA	NA	NA	NA
4 Land registry cases**	NA	NA	NA	NA
5 Business register cases**	NA	NA	NA	NA
6 Administrative law cases	62	157	160	59
7 Other				
Total criminal cases (8+9)	11	75	56	30
8 Criminal cases (Severe criminal offences)	7	49	37	19
9 Misdemeanour and/or minor offences cases	4	26	19	11

Comment :

93) Total number of cases in the highest instance courts (litigious and non-litigious): please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

*** Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**** if applicable**

Please check the consistency of data as mentioned under question 88.

Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and on possible limitations to the appeal to the highest instance court):

Total of civil, commercial and administrative law cases* (litigious and non-litigious)				
1 Civil (and commercial) litigious cases*				
2 Civil (and commercial) non-litigious cases*				

3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases				
7 Other				
Total criminal cases (8+9)				
8 Criminal cases (severe criminal offences)				
9 Misdemeanour cases (minor offences)				

Comment :

Le système andorran ne dispose pas de Cour Suprême

94) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts: please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Jan. '08
Litigious divorce cases*	46	78	85	40
Employment dismissal cases*	106	111	122	95
Robbery cases	NA	NA	NA	NA
Intentional homicide				

95) Average length of proceeding (from the date of lodging of court proceedings) in days, number of pending cases more than 3 years and percentage of cases subject to appeal: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 92:

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance (average length)	2d instance (average length)	Total procedure (average total length)
Litigious divorce cases*	NA				
Employment dismissal cases*	NA				
Robbery cases	NA				
Intentional homicide	NA				

Comment :

96) Where appropriate, please specify the specific procedure as regards (litigious and non-litigious) divorce:

97) How is the length of proceedings calculated for the four case categories? Please give a description of the calculation method.

98) Please describe the role and powers of the prosecutor in the criminal procedure (multiple options are possible):

- to conduct or supervise police investigation
- to conduct investigation
- when necessary, to demand investigation measures from the judge
- to charge
- to present the case in the court
- to propose a sentence to the judge
- to appeal
- to supervise enforcement procedure
- to end the case by dropping it without the need for a judicial decision
- to end the case by imposing or negotiating a penalty without a judicial decision
- other significant powers

Please specify:

99) Does the prosecutor also have a role in civil and/or administrative cases?

- Yes
- No

Please specify:

Le procureur intervient obligatoirement dans toute procédure civile lorsque sont concernés des mineurs, absents, incapables ou personnes qui nécessitent d'une protection. Il intervient également dans les affaires relatives à la filiation ainsi que pour l'exéquat.

100) Functions of the public prosecutor in relation to criminal cases – please complete this table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 100 and indicate in particular if the data given include traffic offences:

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
Total number of 1st instance criminal cases						

Comment :

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 au 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.

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years**

Nous venons d'adjuger l'élaboration d'un plan stratégique des systèmes d'information de toute l'administration de justice. Entre autre il devrait nous permettre de calculer exactement les délais de procédures sur les bases des études réalisées par la CEPEj. De ce fait nous espérons pouvoir répondre à toutes les questions de délais du prochain exercice 2010.

Please indicate the sources for answering the questions 90 to 95 and 100:

CSJ, Ministère Public

5. Career of judges and prosecutors

5. 1. Appointment and training

5. 1. 1. Recruitment, nomination and promotion

101) How are judges recruited?

- Through a competitive exam (for instance after a law degree)?
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

Other, please specify:

102) Are judges initially/at the beginning of their carrier recruited and nominated by:

- An authority composed of judges only?
- An authority composed of non-judges only?
- An authority composed of judges and non-judges?

103) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, please specify which authority is competent for the promotion of judges:

104) Which procedures and criteria are used for promoting judges? Please specify.

Actuellement en Andorre nous ne disposons pas de loi qui règlemente la carrière judiciaire. Le pays est en train de travailler pour se doter d'une telle législation.

105) How are prosecutors recruited?

- Through a competitive exam? (for example after a law degree)
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

Other, please specify:

106) Are prosecutors initially/at the beginning of their carrier recruited and nominated by:

- An authority composed of prosecutors only?
- An authority composed of non-prosecutors only?
- An authority composed of prosecutors and non-prosecutors?

107) Is the same authority formally responsible for the promotion of prosecutors?

- Yes
- No

If no, please specify which authority is competent for promoting prosecutors:

108) Which procedures and criteria are used for promoting prosecutors? Please specify:

Même commentaire que pour les juges

109) Is the mandate given for an undetermined period for judges?

- Yes
- No

Are there exceptions? Please specify:

Non ils sont nommés pour un mandat de 6 ans renouvelables.

110) Is there a probation period for judges? If yes, how long is this period?

	Yes	Duration of the probation period (in years)
Probation period for judges		

111) Is the mandate given for an undetermined period for prosecutors?

- Yes
- No

Are there exceptions? Please specify:

Non le mandat est de 6 ans, renouvelable.

112) Is there a probation period for prosecutors? If yes, how long is this period?

	Yes	Duration of the probation period (in years)
Probation period for prosecutors		

113) If the mandate for judges/prosecutors is not for an undetermined period, what is the length of the mandate? Is it renewable?

Please specify the length

for judges? Yes 6 ans
 for prosecutors? Yes 6ans

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years

5. 1. 2. Training

114) Nature of the training of judges. Is it compulsory?

- Initial training
- General in-service training
- In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)
- In-service training for management functions of the court (e.g. court president)
- In-service training for the use of computer facilities in the court

115) Frequency of the training of judges

	Annual	Regular	Occasional
Initial training	Yes	No	No
General in-service training	Yes	Yes	No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	No	No	No
In-service training for management functions of the court (e.g. court president)	No	No	No
In-service training for the use of computer facilities in the court	No	No	No

116) Nature of the training of prosecutors. Is it compulsory?

- Initial training
- General in-service training
- Specialised in-service training (specialised public prosecutor)
- In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)
- In-service training for the use of computer facilities in the public prosecution service)

117) Frequency of the training of prosecutors

--	--	--	--

Initial training	No	Yes	No
General in-service training	Yes	Yes	No
Specialised in-service training (specialised public prosecutor)	No	No	No
In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)	No	No	No
In-service training for the use of computer facilities in the public prosecution service)	No	No	No

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- comments regarding the attention given in the curricula to the European Convention on Human Rights and the case law of the Court**
- the characteristics of your training system for judges and prosecutors and the main reforms that has been implemented over the last two years**

Une réflexion est en cours sur la nécessité d'une formation initiale pour les Procureurs. Par ailleurs la formation continue est largement suivie par les Procureurs, un peu moins pour les juges de première instance, soit à peu près 2 semaines de formation par an aux choix soit en Espagne soit en France.

5. 2. Practice of the profession

5. 2. 1. Salaries

118) Salaries of judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 118:

	Gross annual salary (€)	Net annual salary (€)
First instance professional judge at the beginning of his/her career	72442,89	68096,32
Judge of the Supreme Court or the Highest Appellate Court	39050,44	36707,41
Public prosecutor at the beginning of his/her career	72442,89	68096,32
Public prosecutor of the Supreme Court or the Highest Appellate Instance	128632,4	120914,45

Comment :

Les juges de la première instance et les procureurs adjoints sont andorrans et travaillent en permanence en Andorre.

Actuellement les magistrats des instances de recours sont de nationalité française ou espagnole et viennent en Andorre en fonction du volume de travail du tribunal c'est pour cette raison qu'il existe cette différence entre les salaires des juges de première instance et ceux des magistrats.

D'un autre côté le Procureur général est actuellement en situation de mise à la disposition par les autorités françaises.

119) Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	No	No
Housing	No	No
Other financial benefit	No	No

120) If other financial benefit, please specify:**121) Can judges combine their work with any of the following other functions ?**

	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	No	No
Research and publication	Yes	No	No
Arbitrator	No	No	No
Consultant	No	No	No
Cultural function	No	No	No
Other function	No	No	No

122) If other function, please specify:

L'article 69 de la loi Qualifiée de la Justice prévoit que la fonction de juge ou de magistrat est incompatible avec une quelconque autre charge publique, avec un quelconque activité commerciale, industrielle ou professionnelle, avec l'exercice du barreau ou toute autre forme de consultation juridique, et en général avec toutes autres charges ou fonctions de tout ordre dans des sociétés ou des entreprises de négoce, soit publiques ou privées.

123) Can prosecutors combine their work with any of the following other functions ?

	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	No	No
Research and publication	Yes	No	No
Arbitrator	No	No	No
Consultant	No	No	No
Cultural function	No	No	No
Other function	No	No	No

124) If other function, please specify:

L'article 20 de la Loi du Ministère Public du 12 décembre 1996, prévoit les mêmes incompatibilités que pour les juges et magistrats.

125) Do judges receive bonus based on the fulfilment of quantitative objectives relating

to the delivering of judgments? Yes No

If yes, please specify:

Please indicate the source for answering the question 118

Consell Superior de la Justícia

5. 2. 2. Disciplinary procedures

126) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:

Le Consell Superior de la Justícia

127) Which authority has the disciplinary power on judges and prosecutors? Please specify:

Le Consell Superior de la Justícia

128) Number of disciplinary proceedings initiated against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**Please provide comments to explain the answers to question 128:**

	Judges	Prosecutors
Total number (1+2+3+4)	1	0
1. Breach of professional ethics	0	0
2. Professional inadequacy	1	0
3. Criminal offence	0	0
4. Other		

Comment :

129) Number of sanctions pronounced against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**Please provide comments to explain the answers to question 129**

	Judges	Prosecutors
Total number (total 1 to 9)	0	0
1. Reprimand		
2. Suspension		
3. Withdrawal of cases		
4. Fine		

5. Temporary reduction of salary		
6. Degradation of post		
7. Transfer to another geographical (court) location		
8. Dismissal		
9. Other		

Comment :

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system concerning disciplinary procedures for judges and prosecutors and the main reforms that have been implemented over the last two years**

La responsabilité disciplinaire des juges sera exigée par le CSJ moyennant l'instruction d'un dossier disciplinaire ouvert sur l'initiative du CSJ, à la demande de la personne intéressée, d'un citoyen connaisseur des faits, du Ministère Public ou du Président du Tribunal compétent.

Lorsque le CSJ aura accordé l'ouverture du dossier disciplinaire, il désignera un de ses membres comme instructeur. La Procédure jusqu'à la décision ne peut durer plus de 3 mois. L'instructeur pratiquera toutes les preuves tendant à éclaircir les faits et à déterminer les responsabilités, formulera les charges et donnera connaissance au Ministère Public et à l'intéressé.

L'instructeur décidera sur la pertinence des preuves proposées et disposera leur pratique.

Pratiquées les preuves admises, l'instructeur déposera le dossier devant le CSJ, lequel après avoir entendu l'intéressé rendra sa décision définitive. La décision n'est pas susceptible d'une révision juridictionnelle.

Dans le dossier qui a été instruit en 2008, l'instructeur a considéré qu'il n'y a avait pas eu d'insuffisance professionnelle, c'est pourquoi ce dossier n'a donné lieu à aucune sanction.

6. Lawyers

6. 1. Statute of the profession

6. 1. 1. Profession

130) Total number of lawyers practising in your country. If there is no data available, please indicate it (NA).

140 avocats en exercice

131) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court? If no go to question 133.

- Yes
 No
 Not applicable

132) Number of legal advisors. If there is no data available, please indicate it (NA)

Cette catégorie n'existe pas. Les avocats ont l'exclusivité du conseil juridique.

133) Do lawyers have a monopoly of representation in (multiple options are possible):

- Civil cases*?
 Criminal cases - Defendant*?
 Criminal cases - Victim*?
 Administrative cases*?

* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, trade union, etc) and for which types of cases:

Dans les affaires pénales, le procureur peut aussi représenter la victime.

Dans les affaires administratives, les avocats des services juridiques de l'Etat peuvent représenter l'Etat.

134) Is the lawyer profession organised through?

- a national bar?
 a regional bar?
 a local bar?

Please specify:

Col.legi d'Advocats d'Andorra

Please indicate the source for answering the questions 130 and 132:

Col.legi d'Advocats d'Andorra

6. 1. 2. Training

135) Is there a specific initial training and/or examination to enter the profession of lawyer?

- Yes
 No

136) Is there a mandatory general system for lawyers requiring continuing professional training?

- Yes
 No

137) Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?

- Yes
 No

If yes, please specify:

6. 1. 3. Fees

138) Can users establish easily what the lawyers' fees will be?

- Yes
 No

Please provide comments to explain the answer under question 138

Le Col.legi d'avocats a édité une norme d'orientation en matière d'honoraires qui sont cependant libres.

139) Are lawyers fees

- regulated by law?
 regulated by Bar association?
 freely negotiated?

Please provide comments to explain the answer under question 139:

6. 2. Evaluation

6. 2. 1. Complaints and sanctions

140) Have quality standards been formulated for lawyers?

- Yes
 No

141) If yes, who is responsible for formulating these quality standards:

- the bar association?
 the legislature?
 other?

Please specify (including a description of the quality criteria used):

142) Is it possible to complain about

- the performance of lawyers?
 the amount of fees?

Please specify:

Devant le Col.legi d'Advocats ou devant la juridiction compétente

143) Which authority is responsible for disciplinary procedures

- the judge?
 the Ministry of justice?
 a professional authority or other?

Please specify:

Le Col.legi d'Advocats

144) Disciplinary proceedings initiated against lawyers: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 141:

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number	8			

Comment :

145) Sanctions pronounced against lawyers : please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 145:

	Reprimand	Suspension	Removal	Fine	Other
Annual number	1				

Comment :

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system concerning the organisation of the Bar and the main reforms that have been implemented over the last two years**

Réformes majeures en cours les statuts et les normes déontologiques.

Mise en place d'une comission permanente en matière de lutte contre le blanchiment de capitaux

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation

146) Does the legal system provide for mediation procedures? If no go to question 151

Yes

No

147) If applicable, please specify, by type of cases, the organisation of mediation

	Possibility for private mediation proposed by the judge or court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Prosecutor
Civil and commercial cases	No	No	No	No	No
Family law cases (ex. Divorce)	No	No	No	Yes	No
Administrative cases	No	No	No	No	No
Employment dismissals	No	No	No	Yes	No
Criminal cases	No	No	No	No	No

148) Is there a possibility to receive legal aid for mediation procedures?

Yes

No

If yes, please specify:

149) Number of accredited mediators. If there is no data available, please indicate it (NA)

150) Please Indicate the total number of judicial mediation procedures per case category. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

civil cases?	NAP
family cases?	NA
administrative cases?	NAP
employment dismissals?	NA
criminal cases?	NAP

Please indicate the source for answering the question 150:

Consell Superior de la Justícia

7. 1. 2. Other forms of alternative dispute resolution

151) Can you give information concerning other forms of alternative dispute resolution (e.g. arbitration, conciliation)? Please specify:

Il n'existe pas dans notre système des mesures alternatives au règlement des litiges autres que les judiciaires (questions 146 à 150)

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years**

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

152) Do you have in your system enforcement agents (judicial officers)? If no go to question 154

- Yes
 No

153) Number of enforcement agents. If there is no data available, please indicate it (NA).

6

154) Are enforcement agents (multiple options are possible):

- judges?
 bailiff practising as private profession ruled by public authorities?
 bailiff working in a public institution?
 other enforcement agents?

Please specify their status and powers:

Des fonctionnaires faisant partie des effectifs de l'Administration de la Justice sous l'autorité du juge compétent

155) Is there a specific initial training or examination to enter the profession of enforcement agent?

- Yes
 No
 Not applicable

156) Is the profession of enforcement agent organised by?

- a national body?
 a regional body?
 a local body?
 not applicable

157) Can users establish easily what the fees of the enforcement agents will be?

- Yes
 No
 Not applicable

158) Are enforcement fees:

- regulated by law?
 freely negotiated?
 not applicable

Please indicate the source for answering the question 153:

Consell Superior de la Justícia

8. 1. 2. Supervision**159) Is there a body entrusted with the supervision and the control of the enforcement agents?**

- Yes
 No
 Not applicable

160) Which authority is responsible for the supervision and the control of enforcement agents:

- a professional body?
 the judge?
 the Ministry of justice?
 the prosecutor?
 other?

Please specify:

161) Have quality standards been formulated for enforcement agents?

- Yes
 No
 Not applicable

If yes, who is responsible for formulating these quality standards and what are the quality criteria used?

162) Is there a specific mechanism for executing court decisions rendered against public authorities, including the follow up to this execution?

- Yes
 No

if yes, please specify

163) Is there a system for monitoring the execution?

- Yes
 No

If yes, please specify

8. 1. 3. Complaints and sanctions**164) What are the main complaints of 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:

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

- Yes
 No

If yes, please specify:

166) Is there a system measuring the timeframes of the enforcement of decisions :

- for civil cases?
 for administrative cases?

167) As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court sits:

- between 1 and 5 days
 between 6 and 10 days
 between 11 and 30 days
 more

If more, please specify

168) Number of disciplinary proceedings initiated against enforcement agents. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Total number of disciplinary proceedings	NAP
for breach of professional ethics	NAP
for professional inadequacy	NAP
for criminal offence	NAP
Other <input type="checkbox"/> number:	

169) Number of sanctions pronounced against enforcement agents. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Total number of sanctions	NAP
Reprimand	NAP
Suspension	NAP
Dismissal	NAP
Fine	NAP
Other <input type="checkbox"/> number:	

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your enforcement system of decisions in civil matters and the main reforms that has been implemented over the last two years

Le juge qui instruit une affaire doit aussi en assurer l'exécution aussi bien au civil, pénal et administratif.

L'exécution a lieu sous la responsabilité du juge et le contrôle du greffier. Chaque juge dispose d'un fonctionnaire qui se charge de l'exécution des affaires toujours sous la surveillance et le contrôle du greffier.

Please indicate the source for answering the questions 167, 168 and 169:

CSJ

8. 2. Execution of decisions in criminal matters

8. 2. 1. Functioning

170) Is there a judge who is in charge of the enforcement of judgments?

- Yes
 No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If no, please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor):

Il s'agit du rapporteur du jugement de première instance pour les contraventions pénales et les délits mineurs.
Pour ce qui est des délits majeurs la compétence revient au Tribunal de Corts qui juge en première instance ce type de délits.

Un contrôle du Procureur est aussi prévu à cet effet.

171) As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?

Yes

No

If yes, please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years**

9. Notaries

9. 1. Statute

9. 1. 1. Functioning

172) Do you have notaries in your country? If no go to question 177

- Yes
 No

173) Is the status of notaries (if the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations):

a private one (without control from public authorities)?	<input type="checkbox"/> number	
a status of private worker ruled by the public authorities?	<input type="checkbox"/> number	
a public one?	<input checked="" type="checkbox"/> number	4
other?	<input type="checkbox"/> number	

Comment :

Selon la loi du 28 novembre 1998, le notaire est un professionnel du droit investit de fonction publique.

174) Do notaries have duties:

- within the framework of civil procedure?
 in the field of legal advice?
 to authenticate legal deeds?
 other?

Please specify:

Selon la même loi, c'est un professionnel du droit qui de conformité avec les dispositions légales en vigueur, a l'autorité pour authentifier des contrats et autres actes extrajudiciaires en conservant leurs protocoles et en expédiant des copies.

Please indicate the source for answering the question 173

Loi 28-11-98

9. 1. 2. Supervision

175) Is there an authority entrusted with the supervision and the control of the notaries?

- Yes
 No

176) Which authority is responsible for the supervision and the control of the notaries:

- a professional body?
- the judge?
- the Ministry of justice?
- the prosecutor?
- other?
- not applicable

Please specify:

Il en existe plusieurs : 1) Selon l'article 12 de la loi du notariat, « dans la première semaine de chaque mois, les notaires présentent au juge Président un index, en double exemplaire, des instruments autorisés durant le mois précédent, dans lequel figure le numéro du protocole, la date, les noms des parties octroyantes, l'objet de l'acte ou contrat et le nombre de pages, pour qu'il soit tamponné et visé. Il en conserve un exemplaire et l'autre est déposé à la chambre des notaires ».

En plus l'article 3-4 de la même loi rappelle que la négative du notaire de prêter ses services, sans cause justifiée ou la réalisation d'actes contraires à la présente loi donne droit à l'intéressé à formuler une demande juridictionnelle en réclamation de dommages et intérêts et à la dépuración de responsabilidades devant la section administrative du tribunal de première instance (Batllia). Egalement la personne qui se sent lésée pour refus peut solliciter et obtenir en urgence une déclaration judiciaire qui oblige les notaire à octroyer l'acte pour lequel il a été requis. La procédure sera l'urgente et préférentielle.

2) Parmi les fonctions attribuées à la Chambre des notaires figure celle de ...réguler la déontologie et la discipline de la profession, ou encore celle de veiller pour li'application du barème des honoraires rémunérateurs. Aussi contre la négative du notaire de livrer des copies il y a lieu à un recours devant la chambre des notaires qui épuise la voie administrative préalable.

3) Leur nomination incombe au gouvernement

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years**

10. Court interpreters

10. 1. function

10. 1. 1. Statute

177) Is the title of court interpreter protected?

- Yes
 No

178) Is the function of court interpreter regulated?

- Yes
 No

179) Number of certified court interpreters. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations

NA

180) Are there binding provisions regarding the quality of court interpreting in judicial proceedings?

- Yes
 No

If yes, please specify:

181) Are the courts responsible for the selection of court interpreters?

- Yes
 No

Please provide comments to explain the answers to question 178 (in particular, if no, which authority selects court interpreters?) :

La loi du 20 juin de 1996 prévoit que c'est le gouvernement qui sélectionne, autorise et contrôle les interprètes assermentés

11. Functioning of justice

11. 1. Foreseen reforms

11. 1. 1. Reforms

182) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? For example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc. Please specify:

-Modification de la Loi Qualifiée de la Justice qui définit un système qui n'est pas tout à fait flexible.

- Travailler sur un cadre législatif de la carrière judiciaire

- Réadapter toute la procédure civile en introduisant la médiation, , les référés, l'injonction de payer, en créant la fonction d'huissier de justice pour l'exécution civile.