



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2011

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 (if possible on 1 January 2011)

85 015

##### 2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP)

	Amount
State level	NA
Regional / federal entity level (total for all regions / federal entities)	NA

##### 3) Per capita GDP (in €)

31 006

##### 4) Average gross annual salary (in €)

23 943

##### 5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2011

#### A.1

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

[www.estadisca.ad](http://www.estadisca.ad)

Departament estadística Govern d'Andorra

### 1. 2. Budgetary data concerning judicial system

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

##### 6) Annual approved public budget allocated to the functioning of all courts, in €(if possible without the budget of the public prosecution services and without the budget of legal aid):

TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input checked="" type="checkbox"/> Yes	5 803 340
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	5 690 922
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)		NA
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.	<input checked="" type="checkbox"/> Yes	86 000
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	3 000
5. Annual public budget allocated to investments in new (court) buildings		NAP
6. Annual public budget allocated to training and education	<input type="checkbox"/> Yes	23 418
7. Other (please specify):		NAP

**7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:**

**8) Are litigants in general 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 to the rule to pay court a tax or fee? Please provide comments on those exceptions:

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

**9) Annual income of court taxes or fees received by the State (in €)**

NA

**10) Annual approved public budget allocated to the whole justice system, in €(this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)**

NA

36 963 662

**11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.**

Court system	Yes
Legal aid	Yes
Public prosecution services	Yes
Prison system	Yes
Probation services	Yes
Council of the judiciary	Yes
Judicial protection of juveniles	Yes
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	No
Other	No

Comment :

**12) Annual approved public budget allocated to legal aid, in €- If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Total annual approved public budget allocated to legal aid (12.1 + 12.2)	12.1 Annual public budget allocated to legal aid in criminal law cases	12.2 Annual public budget allocated to legal aid in non criminal law cases
Amount (in €)	NA	NA	NA

**13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided.**

Amount

810 965

Comment :

**14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :**

	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	Yes	No
Other ministry	No	No	No	No
Parliament	No	Yes	No	No
Supreme Court	No	No	No	No
Judicial Council	Yes	No	No	No
Courts	Yes	No	No	No
Inspection body	No	No	No	No
Other	No	No	No	Yes

**15) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):**

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.

**A.2**

**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

Question 6#2#4 : Les données avancées nous ont été données par le Ministère de la Justice et de l'Intérieur

**Please indicate the sources for answering the questions 6, 9, 10, 11, 12 and 13.**

Consell Superior de la Justícia  
Loi du budget 2009

## 2. Access to Justice and to all courts

### 2. 1. Legal aid

#### 2. 1. 1. Principles

#### 16) Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes

#### 17) Does legal aid include the coverage of or the exemption from court fees?

Yes

No

If yes, please specify:

La personne qui bénéficie d'une aide judiciaire n'a rien à payer

#### 18) 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

If yes, please specify:

L'exécution fait partie de la procédure

#### 19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

	Criminal cases	Other than criminal cases
	No	No

Comment :

#### 20) Number of cases referred to the court and for which legal aid has been granted. Please specify in the "comment" box below, when appropriate. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

	Number
Total	NA
in criminal cases	NA
other than criminal cases	NA

Comment :

#### 21) 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? Please specify in the "comment" box below.

Accused individuals	Yes
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Victims	Yes
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Comment :

**22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system**

- Yes  
 No

**23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? Please provide in the "comment" box below any information to explain the figures provided. If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.**

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	NA	NA
for other than criminal cases?	NA	NA

Comment :

**24) 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

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

**25) Is the decision to grant or refuse legal aid taken by :**

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

**26) 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

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

**27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:**

criminal cases?	Yes
other than criminal cases?	Yes

**B.1**

**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

**Please indicate the sources for answering the questions 20 and 23**

Sources: Batllia et Fiscalia general

**2. 2. Users of the courts and victims****2. 2. 1. Rights of the users and victims****28) 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:****-----  
The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:**

- legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es):  Yes www.bopa.ad
- case-law of the higher court/s? Internet address(es):  Yes www.justicia.ad
- other documents (e.g. downloadable forms, online registration)?  Yes

Comment :

**29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?**

- Yes
- No

If yes, please specify:

**30) Is there a public and free-of-charge specific information system to inform and to help victims of crime?**

- Yes
- No

If yes, please specify:

**31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.****[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]**

	Information mechanism	Special arrangements in court hearings	Other
Victims of rape	No	Yes	No
Victims of terrorism	No	No	No
Children (witnesses or victims)	Yes	Yes	No
Victims of domestic violence	Yes	Yes	No
Ethnic minorities	No	No	No
Disabled persons	No	No	No
Juvenile offenders	Yes	Yes	No
Other (e.g. victims of human trafficking)	No	No	No

Comment :

**32) Does your country allocate compensation for victims of crime?**



Yes No

If yes, for which kind of offences

**33) If yes, does this compensation consist in:** a public fund? damages to be paid by the responsible person (decided by a court decision)? a private fund?**34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?** Yes No

If yes, please inform about the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

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

**36) Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case?**

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**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 judicial decision".**

 Yes No NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A judicial decision is needed).

If necessary, 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

**37) Is there a system for compensating users in the following circumstances:** excessive length of proceedings? non execution of court decisions? wrongful arrest? wrongful condemnation?

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

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.

**38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)**

- (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 the parties
- (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)
- (Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:

**39) If possible, please specify:**

	Surveys at a regular interval (for example annual)	Occasional surveys
Surveys at national level	No	No
Surveys at court level	No	No

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

- Yes
- No

**41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.**

	Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complaint, etc.)	Time limit for dealing with the complaint	No time limits
Court concerned	Yes	Yes	No
Higher court	Yes	Yes	No
Ministry of Justice	No	No	No
High Council of the Judiciary	Yes	Yes	No
Other external bodies (e.g. Ombudsman)	Yes	Yes	No

Comment :

### 3. Organisation of the court system

#### 3. 1. Functioning

##### 3. 1. 1. Courts

**42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	2
42.2 First instance specialised Courts (legal entities)	0
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

**43) Number (legal entities) of first instance specialised courts (or specific judicial order). If "other specialised 1st instance courts", please specify it in the "comment" box below. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

Total (must be the same as the data given under question 42.2)	0
Commercial courts	NA
Labour courts	NA
Family courts	NA
Rent and tenancies courts	NA
Enforcement of criminal sanctions courts	NA
Administrative courts	NA
Insurance and / or social welfare courts	NA
Military courts	NA
Other specialised 1st instance courts	NA

Comment :

**44) 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

If yes, please specify:

**45) Number of first instance courts (geographic locations) competent for the following cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

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

**Please give the definition for small claims and indicate the monetary value of a small claim:**

Une petite créance est considérée jusqu'à une somme de 1.200,00 €

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

Consell Superior de la Justícia

Question 42#1#3 : Le nombre des tribunaux a toujours été le même.

- une juridiction de première instance (BATLLIA) avec 5 sections : civil, pénal, administratif, instruction et mineurs
- un tribunal pénal (TRIBUNAL DE CORTS) qui juge en première instance les crimes et les délits majeurs et en appel contre les jugements de la juridiction de première instance rendus pour les contraventions pénales, les délits mineurs ou contre des décisions rendues lors de l'instruction
- un tribunal d'appel (TRIBUNAL SUPÉRIEUR) avec 3 chambres : civile, administrative et pénale laquelle intervient en appel contre les décisions du Tribunal de Corts rendues en premier ressort.

### 3. 1. 2. Judges and non-judge staff

**46) Number of professional judges sitting in courts (if possible on 31 December 2010)**

**(please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Please provide in the "comment" box below any useful comment for interpreting the data above.**

\*\*\*\*\*

**[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.**

**Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]**

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	24	15	9
1. Number of first instance professional judges	12	6	6
2. Number of second instance (court of appeal) professional judges	12	9	3
3. Number of supreme court professional judges	NAP	NAP	NAP

Comment :

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 (Cours d'Appel et tribunal pour les délits graves) possède la faculté de juger, en première instance, les délits majeurs, 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 sentences dictées par les Juges, 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.

Il juge, en appel, les recours contre les sentences pénales dictées par le Tribunal de Batlles dans les cas concernant des délits mineurs et par les Juges dans les cas concernant les contraventions pénales.

Actuellement, le Tribunal de Corts est composé d'un Président, d'un Vice-président, d'un Magistrat et de deux Magistrats adjoints suppléants.

La Batllia d'Andorre est la juridiction de première instance et d'instruction dans tous les domaines juridictionnels. Elle est divisée en chambres civile, pénale, 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 délits majeurs. 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 pénale, les contraventions pénales sont jugées par un seul Batlle et les délits mineurs par un tribunal de Batlles. 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. 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 au nombre de 8 minimum ainsi que d'un Président. En 2010 la Batllia comptait avec une équipe de 12 Batlles (juges) dont un est le Président.

L'Andorre n'a pas de Cour Suprême.

**47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	3	3	0
1. Number of first instance court presidents	1	1	0
2. Number of second instance (court of appeal) court presidents	1	1	0
3. Number of supreme court presidents	1	1	0

**48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2010). If necessary, please provide in the "comment" box below any information to explain the answer under question 48.**

Gross figure  Yes 2  
 If possible, in full-time equivalent NA

Comment :

Actuellement, le Tribunal de Corts est composé d'un Président, d'un Vice-président, d'un Magistrat et de deux Magistrats adjoints suppléants à mi temps

**49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2010) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury).**

Gross figure NA

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

Yes  
 No

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

**51) Number of citizens who were involved in such juries for the year of reference:**

NA

**52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2010) (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). If "other non-judge staff", please specify it in the "comment" box below.**

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)  Yes 113  
 1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal  Yes 18  
 2. Non-judge staff whose task is to assist the judges (case file preparation, assistance)  Yes 83

during the hearing, court recording, helping to draft the decisions) such as registrars

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)	<input checked="" type="checkbox"/> Yes	8
4. Technical staff	<input checked="" type="checkbox"/> Yes	3
5. Other non-judge staff	<input checked="" type="checkbox"/> Yes	1

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 les techniciens de la maintenance.

Autre personnel non juges : nous avons ajouté le responsable de la bibliothèque juridique

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

NA

**54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?**

Yes

No

If yes, please specify:

**C.1**

**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 have been implemented over the last two years**

Q52#2#3 : Etant donné que nous sommes passés de 10 à 12 juges en première instance (BATLLIA) et aux vues de notre organisation, nous avons du augmenter le personnel assistant.

Q52#2#4 : En 2010, la Principauté a fonctionné sur le budget de 2009, puisque celui de 2010 n'a jamais été approuvé par notre Parlement. Cela a eu pour inconvénient que nous ne pouvions pas substituer les places qui devenaient vacantes.

Q52#2#5 : Avec le budget 2009, nous avons pu augmenter le personnel informatique et le personnel de la maintenance d'un poste de plus.

Il est évident que pour un petit pays comme le notre il est très dangereux de parler en pourcentage, dans le présent cas nous avons par exemple un informaticien nous avons pu augmenter l'équipe d'un poste et évidemment cela donne un pourcentage très élevé.

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

Consell Superior de la Justícia

**3. 1. 3. Public prosecutors and staff**

**55) Number of public prosecutors (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.**

	Total	Males	Females

Total number of prosecutors (1 + 2 + 3)	3	1	2
1. Number of prosecutors at first instance level	NA	NA	NA
2. Number of prosecutors at second instance (court of appeal) level	NA	NA	NA
3. Number of prosecutors at supreme court level	NA	NA	NA

Comment :

Nos procureurs sont compétents devant toutes les juridictions

**56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.**

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

Comment :

Même commentaire que sur la question précédente.

Le ministère public a pour mission de veiller à la défense et à l'application de l'ordre juridique, ainsi qu'à l'indépendance des tribunaux, et de promouvoir auprès de ces derniers l'application de la loi pour préserver les droits des citoyens et la défense de l'intérêt général ; de la même manière, il agit en accord avec les principes de légalité, d'unité et de hiérarchie interne. Le ministère public, en plus d'exercer l'action publique, intervient directement dans les procédures pénales et met en oeuvre toutes les poursuites qu'il juge nécessaires dans le but de résoudre les faits délictueux et d'en désigner les responsables. Il veille également à ce que les sentences dictées soient strictement appliquées, c'est l'institution qui exerce l'action pénale et examine des faits pouvant être passables de délit ou de contravention ; il instruit également toutes les procédures civiles concernant des personnes absentes, des mineurs, des personnes inhabilitées ou requérant une protection ainsi que les procédures relatives au Registre Civil et tous les autres cas établis par les lois.

Le ministère public est composé d'un procureur général et de trois procureurs adjoints.

**57) Do other persons have similar duties to public prosecutors?**

Yes

No

Number (full-time equivalent)

**58) If yes, please specify their title and function:**

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

Yes

No

**60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2010) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).**

Number

Yes

5

**C.2**

**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 have been implemented over the last two years

Parmi les 5 fonctionnaires nous comptons 2 greffiers et 3 du personnel administratif

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

Consell Superior de la Justícia

### 3. 1. 4. Court budget and new technologies

**61) Who is entrusted with responsibilities related to the budget within the court? If "other", please specify it in the "comment" box below.**

	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

Comment :

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

Word processing	100% of courts
Electronic data base of jurisprudence	100% of courts
Electronic files	0 % of courts
E-mail	100% of courts
Internet connection	100% of courts

**63) For administration and management, what are the computer facilities used within the courts?**

Case registration system	100% of courts
Court management information system	100% of courts
Financial information system	0 % of courts
Videoconferencing	0 % of courts

**64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts?**

Electronic web forms	0 % of courts
Website	0 % of courts
Follow-up of cases online	0 % of courts
Electronic registers	0 % of courts
Electronic processing of small claims	0 % of courts
Electronic processing of undisputed debt recovery	0 % of courts
Electronic submission of claims	0 % of courts
Videoconferencing	0 % of courts
Other electronic communication facilities	0 % of courts



**65) The use of videoconferencing in the courts (details on question 65). Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.**

	65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses?	65.2 Can such court hearing be held in the police station and/or in the prison?	65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence?	65.4 Is videoconferencing used in other than criminal cases?
	Yes	No	No	No

Comment :

### C.3

**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. Performance and evaluation

### 3. 2. 1. Performance and evaluation

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

- Yes  
 No

If yes, please indicate the name and the address of this institution:

Consell Superior de la JUsTícia: con.sp.justicia@andorra.ad

**67) Are individual courts required to prepare an annual 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

**68) Do you have, within the courts, a regular monitoring system of court activities concerning:**

-----  
**The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).**

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

If other, please specify:

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

-----  
**The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).**

- Yes  
 No

Please specify:

**70) Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 72)**

- Yes  
 No

**71) Please select the 4 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  
 other:

If other, please specify:

Comme nous l'indiquions dans le précédent questionnaire, le Consell Superior de la Justícia a sollicité à une entreprise externe l'élaboration d'un Plan Stratégique des systèmes d'informations de l'Administration de Justice andorrane pour les 3 ans à venir. (2010-2012).

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

Mais pour des raisons politiques, la Principauté n'a pas eu de budget pour l'Etat ni en 2010 ni en 2011. Ce qui a eu pour conséquence un arrêt immédiat de tout investissement dans les domaines, on n'a pu pouvoir qu'aux dépenses publiques de fonctionnement.

72)

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

- Yes  
 No

**73) Who is responsible for setting the targets for each judge?**

- 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 court (if no please skip to question 77)?**

- Yes  
 No

**75) Who is responsible for setting the targets for the courts?:**

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

If other, please specify:

**76) Please specify the main targets applied to the courts:****77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)**

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

If other, please specify:

**78) Are quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?**

- Yes
- No

If yes, please specify:

**79) Do you have specialised court staff that is entrusted with these quality standards?**

- Yes
- No

**80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:**

- in civil law cases
- in criminal law cases
- in administrative law cases

**81) Do you monitor waiting time during court procedures?**

- Yes
- No

If yes, please specify:

**82) Is there a system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?**

-----  
**This question does not concern the specific evaluation of performance indicators.**

- Yes

No

Please specify the frequency of the evaluation:

**83) Is there a system for monitoring and evaluating the performance of the public prosecution service?**

Yes

No

If yes, please give further details:

**C.4**

**You can indicate below:**

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

## 4. Fair trial

### 4. 1. Principles

#### 4. 1. 1. General information

**84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a legal professional)?**

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) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate 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	0	0
Criminal proceedings - Article 6§1 (duration)	0	0	0	0

**Please indicate the sources:**

l'Agent du Gouvernement de l'Andorre en 2010.

#### D.1

**You can indicate below any useful comments for interpreting the data mentioned in this chapter**

- Aucune déclaration d'irrecevabilité n'a été portée à la connaissance de l'Agent du Gouvernement de l'Andorre en 2010.
- Il n'y a pas eu de règlements amiables.
- Aucun jugement n'a été prononcé par la Section Troisième de la CEDH, concernant l'Andorre, en 2010.

### 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?

there is no specific procedure

If yes, please specify:

Procédure prévue à l'article 9.3 de notre Constitution en cas de détention illégale (habeas Corpus)

Procédiment urgent i preferent article 41.1 de la Constitution lorsqu'il peut y avoir une violation d'un droit fondamental (30 jours pour avoir une décision)

Dans la loi « qualificada del matrimoni » du 30 juin 1995 il est prévu une procédure urgente dite des mesures provisoires pour demande de nullité, séparation ou divorce

**88) Are there simplified procedures for:**

- civil cases (small disputes)?
- criminal cases (small offences)?
- administrative cases?
- there is no simplified procedure

If yes, please specify:

En matière civile: c'est la procédure de l'Ordre de paiement qui est un peu l'équivalent de la procédure de l'injonction de payer qui existe par exemple en France.

En matière pénale: c'est la procédure de l'Ordenança penal

**89) 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

If yes, please specify:

**4. 2. 2. Caseflow management and timeframes of judicial proceedings**

**90) Comment:**

The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.

**91) First instance courts: number of other than criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note 1:** cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.

**Note 2:** check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should reflect the total number of other than criminal law cases.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)*	5 999	7 977	7 286	6 700
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	2 277	4 521	4 475	2 323
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	127	785	758	164
3. Enforcement cases	3 393	2 490	1 815	4 068
4. Land registry cases**	NA	NA	NA	NA
5. Business register cases**	NA	NA	NA	NA
6. Administrative law cases (litigious and non-litigious)	202	181	238	145
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

**92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:**

registre civil, juridiction volontaire

**93) If "other cases", please indicate the case categories included:**

**94) First instance courts: number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	863	4 869	4 868	864
8. Criminal cases (severe criminal offences)	216	205	259	162
9. Misdemeanour and / or minor offences cases	647	4 664	4 609	702

**95) The classification of cases between severe criminal cases and misdemeanour and/or minor criminal cases may be difficult. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedures).**

**Please indicate, if feasible, what case categories are included under "severe criminal cases" and the cases included under "misdemeanour and /or minor criminal cases".**

Questions 95 : Infractions graves et petites infractions

Décret législatif du 17 décembre 2008, de la publication du Code pénal

Article 12

Classificaton des infractions

Les infractions pénales se classifient, selon leur gravité, en délits majeurs, délits mineurs et contraventions pénales.

Sont des délits majeurs ceux qui risquent au moins une peine ayant comme limite maximale supérieure à celle décrite à l'article 36. (Prison de plus de 2 ans jusqu'à 25 ans)

Sont des délits mineurs ceux qui risquent au moins une peine ayant comme limite maximale supérieure à celle décrite à l'article 37. (Prison jusqu'à 2 ans)

Sont des contraventions pénales celles qui sont prévues au livre 3 de ce code pénal. (Jamais de peine de prison)

Le nouveau code pénal a changé la donne et la distinction s'opère non plus sur la distinction de délits majeurs, délits mineurs et contraventions pénales (c'est-à-dire sur la description des conduites punissables) mais la délimitation se fait selon la sanction pénale prévue

**96) Comments on questions 91 to 95. You can indicate, for instance, the specific situation in your country, give explanations on NA or NAP answers or explain the calculation of the total number of other than criminal law cases or differences in horizontal consistency, etc.**

cf. Q95

**97) Second instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note: the total of "other than criminal" cases includes all of the following categories (categories 1 to 7).**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	211	523	522	212
1. Civil (and commercial) litigious cases (if feasible)	153	411	403	161

without administrative law cases, see category 6)*				
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	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 (litigious and non-litigious)	58	112	119	51
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

**98) Second instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	8	79	74	13
8. Criminal cases (Severe criminal offences)	NA	NA	NA	NA
9. Misdemeanour and/or minor offences cases	NA	NA	NA	NA

Comment :

**99) Highest instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note: the total of "other than criminal law cases" includes all of the following categories (categories 1 to 7).**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	NAP	NAP	NAP	NAP
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	NAP	NAP	NAP	NAP
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	NAP	NAP	NAP	NAP
3. Enforcement cases	NAP	NAP	NAP	NAP
4. Land registry cases	NAP	NAP	NAP	NAP
5. Business register cases	NAP	NAP	NAP	NAP
6. Administrative law cases (litigious and non-litigious)	NAP	NAP	NAP	NAP
7. Other cases (e.g. insolvency registry cases)	NAP	NAP	NAP	NAP

**100) Highest instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10



Total criminal cases (8+9)	NAP	NAP	NAP	NAP
8. Criminal cases (severe criminal offences)	NAP	NAP	NAP	NAP
9. Misdemeanour cases (minor offences)	NAP	NAP	NAP	NAP

Comment :

L'Andorre n'a pas de Cour Suprême, sa dernière instance ordinaire est le Tribunal Supérieur de Justice qui est une juridiction d'appel.

Donc les statistiques du Tribunal Supérieur de Justice ont été incluses dans les réponses aux questions 97 et 98

**101) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Jan. '10
Litigious divorce cases	NA	NA	NA	NA
Employment dismissal cases	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA

**102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

-----  
**[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. New: the question concerns first, second and third instance proceedings.]**

	% of decisions subject to appeal	% pending cases more than 3 years	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)
Litigious divorce cases	NA	NA	NA	NA	NA	NA
Employment dismissal cases	NA	NA	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA	NA	NA

**103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):**

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

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

- to conduct or supervise police investigation
- to conduct investigations
- 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 discontinue a case without requiring a judicial decision (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

If "other significant powers", please specify:

- Article 3.1 de la Loi du Ministère Public : Exerce l'action pénale à sa propre initiative ou à la demande de toute institution ou personne juridique publique ou privé et des particuliers.
- Article 18 Code de Procédure Pénale (CPP) : Le Ministère Public doit exercer l'action civile conjointement avec l'action pénale, afin de réclamer l'indemnisation dérivée du délit ou de la contravention pénale en faveur des victimes quand celles-ci n'ont pas exercée l'action civile, ont renoncée ou ont fait réserve expressément à leur réclamation civile.
- Article 3.7 de la Loi du Ministère Public : Emet des rapports pour tous les incidents de procédure de la juridiction pénale.
- Recevoir des plaintes, qui après vérification seront classées ou transmises à l'autorité judiciaire.
- Emet des rapports dans le cadre des procédures d'extradition.

Dans le cadre de la protection des droits fondamentaux des personnes établie par la Constitution et du respect des institutions constitutionnelles qui puissent avoir une connexion avec la procédure pénale.

Article 3.11 de la Loi du Ministère Public :

- Intervenir dans le cadre d'une procédure d'Habeas Corpus lors d'une détention illégale.
- Intervenir dans le cadre d'une procédure Urgente et Prioritaire de tutelle des droits et libertés reconnus aux chapitres III et IV de la Constitution.
- Intervenir dans le cadre des questions d'inconstitutionnalité.

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

Yes

No

If yes, please specify:

Le Procureur intervient obligatoirement dans toute procédure civile lorsque sont concernés des mineurs, absents, incapables ou personnes qui nécessitent une protection. Il intervient également dans les affaires relatives à la filiation ainsi qu'à l'exequatur, plus précisément :

- Procédures relatives à l'état civil des personnes devant le Registre Civil.
- Procédures qui touchent aux intérêts de mineurs, en matière d'émancipation, attribution de garde de mineurs, séparation, divorces et successions.
- Procédures de demande d'adoption.
- Procédures de demande d'incapacitation.
- Procédures de demande de tutelle et curatelle.
- Procédures civiles qui concernent des personnes absentes ou où sont présentes des personnes ayant besoin de protection.
- Procédures d'exequatur.

**107) Case proceedings managed by the public prosecutor: total number of 1st instance criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Received by the public prosecutor	Cases discontinued by the public prosecutor (see 108 below)	Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	5 063	NAP	671	312

**108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Number
Total cases which were discontinued by the public prosecutor (1+2+3)	NAP
1. Discontinued by the public prosecutor because the offender could not be identified	NAP
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	NAP

3. Discontinued by the public prosecutor for reasons of opportunity	NAP
---	-----

**109) Do the figures include traffic offence cases?**

- Yes  
 No

**D.2**

**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**

Q91 : Pour répondre à toute la question 91, nous nous réfèrerons au mémoire 2009-2010 publié sur [www.justicia.ad](http://www.justicia.ad) où le Président de la Batllia (Tribunal de première instance) alerte sur l'augmentation du contentieux civil pour réclamation de quantités ainsi qu'une augmentation du contentieux social. Le Président alerte les responsables politiques sur la nécessité d'une amélioration de la procédure actuelle qui permettrait de faire front, dans de meilleures conditions, au volume actuel et à celui qui peut arriver par la suite (aux vues de la crise conjoncturelle actuelle)

Q98 : Pour répondre à toute la question 98, nous avons tenu compte des chiffres avancés par la chambre civile du Tribunal Supérieur et par le Tribunal de Corts lorsqu'il agit en appel.

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

Statistiques fournies par les différentes juridictions concernées: Batllia, Tribunal de Corts i Tribunal Superior de Justícia

Constitution andorrane du 14 mars 1993,

Loi de la Justice du 28 septembre 1993,

Loi de modification de la Loi transitoire des procédures judiciaires du 19 mai 1.999,

Loi de succession du 20 mars 1989,

Loi du mariage de 30 juin 1995,

Loi de l'adoption et autres formes de protection du mineur désemparé du 21 mars 1996,

Loi du Registre Civil, du 11 juillet 1996,

Loi qualifiée de l'extradition du 28 novembre 1996,

Loi du Ministère Public du 12 décembre 1996,

Loi d'incapacitations du 3 novembre 2004.

Règlement régulateur du bénéfice de la justice gratuite du 1 mars 2000,

Code Pénal du 21 février 2005,

Code de Procédure Pénal du 21 février 2005,

Rapport annuel du Parquet correspondant au période judiciaire 2.010-2.011

## 5. Career of judges and public prosecutors

### 5. 1. Recrutement and promotion

#### 5. 1. 1. Recrutement and promotion

##### 110) How are judges recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If other, please specify:

##### 111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].

- An authority made up of judges only?
- An authority made up of non-judges only?
- An authority made up of judges and non-judges?

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 recrutement ce fait sur concours public. Les épreuves du concours sont organisées et corrigées par des magistrats du Tribunal Supérieur de Justice. Mais la décision du recrutement appartient au plein du Consell Superior de la JUstícia dont les membres ne sont pas forcément des juges.

##### 112) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, which authority is competent for the promotion of judges ?

##### 113) 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.

##### 114) Is there a system of qualitative individual assessment of the judges' activity?

- Yes
- No

##### 115) Is the status of prosecution services:

- Indépendant?
- Under the authority of the Minister of justice ?
- Other?

Please specify:

Le Ministère public peut recevoir du Gouvernement des instructions de caractère général pour l'exercice de l'action publique puisqu'il appartient au gouvernement la fonction de l'orientation pénale de l'Etat.

**116) How are public prosecutors recruited?**

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If "other", please specify:

Le recrutement ce fait sur concours public. Les épreuves du concours sont organisées et corrigées par des magistrats du Tribunal Supérieur de Justice. Mais la décision du recrutement nécessite de la proposition du Gouvernement et la nomination appartient au plein du Consell Superior de la JJustícia dont les membres ne sont pas forcément des juges.

**117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:**

**[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).]**

- 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?

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:

**118) Is the same authority formally responsible for the promotion of public prosecutors?**

- Yes
- No

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

**119) Which procedures and criteria are used for promoting public prosecutors? 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.

**120) Is there a system of qualitative individual assessment of the public prosecutors' activity?**

- Yes
- No

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

- Yes
- No

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

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

**122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.**

	Duration of probation period (in years)
--	---

--	--

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

- Yes  
 No

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

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

**124) If there is a probation period for public prosecutors, how long is this period? If the situation is not applicable in your country, please indicate NAP.**

	Duration of the probation period (in years)

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

- Yes  
 No

Please indicate the length of the mandate in years:

6

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

- Yes  
 No

Please indicate the length of the mandate (in years)

6

## E.1

**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

« Le Conseil Supérieur de la Justice » nomme les juges, les magistrats et les procureurs et exerce sur eux une fonction disciplinaire. Il met tout en oeuvre pour que l'Administration de la Justice dispose des moyens adaptés à son bon fonctionnement ». Ainsi, il est responsable de la gestion des ressources humaines (1), matérielles et financières (2) de l'Administration de la Justice.

La gestion des ressources humaines:

Cette fonction inclue le recrutement des juges et des magistrats de l'Administration de la Justice , c'est-à-dire qu'il choisit les postes à pourvoir, sélectionne les candidats, se charge de leur nomination et de leur prise de pouvoirs.

POur ce qui est le recutement des Procureurs, le CSJ les nomment mais sur proposition du Gouvernement.

Le CSJ est également responsable du contrôle formel de l'activité des juges -plus particulièrement du contrôle disciplinaire-, des magistrats et autres fonctionnaires de l'Administration de la Justice.

Depuis le premier juillet 2004, suite à l'entrée en vigueur de la Loi de la Fonction Publique de l'Administration de la Justice, le CSJ dispose d'une régulation propre de son régime de fonction publique. De cette façon, le CSJ dispose au travers de cette loi, des ressources humaines garantissant au citoyen la prestation du service public.

## 5. 2. Training

### 5. 2. 1. Training

**127) Training of judges**

Initial training (e.g. attend a judicial school, traineeship in	Compulsory
---	------------

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

**128) Frequency of the in-service training of judges:**

General in-service training	Regular (e.g. every 3 months)
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Occasional (e.g. at times)
In-service training for management functions of the court (e.g. court president)	Occasional (e.g. at times)
In-service training for the use of computer facilities in courts	Occasional (e.g. at times)

**129) Training of public prosecutors**

Initial training	Compulsory
General in-service training	Optional
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Optional
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Optional
In-service training for the use of computer facilities in office	Optional

**130) Frequency of the in-service training of public prosecutors**

General in-service training	Regular (e.g. every 3 months)
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Regular (e.g. every 3 months)
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Occasional (e.g. at times)
In-service training for the use of computer facilities in office	Occasional (e.g. at times)

**131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate in the "comment" box below the budget of such institution(s).**

**If your judicial training institutions do not correspond to these criteria, please specify it.**

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	No	No	No
One institution for prosecutors	No	No	No
One single institution for both judges and	No	No	No

prosecutors			
-------------	--	--	--

Comment :

Le Consell Superior de la Justícia a signé avec le Consejo General del Poder judicial espagnol et avec l'Ecole Nationale de la Magistrature Française des conventions de collaboration qui permettent entre autre envoyer les membres du corps judiciaire et du Ministère Public andorrans aux modules de formation continue organisés par leur école judiciaire. Ces conventions nous facilitent aussi l'organisation de stages de formation initiale pour les nouveaux juges.

## E.2

**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

### 5. 3. Practice of the profession

#### 5. 3. 1. Practice of the profession

#### 132) Salaries of judges and public prosecutors.

	Gross annual salary in €, on 31 December 2010	Net annual salary in €, on 31 December 2010
First instance professional judge at the beginning of his/her career	73 877	69 814
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)	39 823	37 633
Public prosecutor at the beginning of his/her career	73 877	69 814
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 Public prosecutor General)		

Comment :

Avant 2008, nous n'incluons pas l'indemnité de logement dans le salaire du procureur général, mais après cette date il a fallu l'inclure pour pouvoir cotiser correctement.

#### 133) Do judges and public prosecutors have the following additional benefits?

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

#### 134) If other financial benefit, please specify:

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.

#### 135) Can judges combine their work with any of the following other functions ?



	With remuneration	Without remuneration
Teaching	No	No
Research and publication	No	No
Arbitrator	No	No
Consultant	No	No
Cultural function	No	No
Political function	No	No
Other function	No	No

**136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.**

**137) Can public prosecutors combine their work with any of the following other functions ?**

	With remuneration	Without remuneration
Teaching	No	No
Research and publication	No	No
Arbitrator	No	No
Consultant	No	No
Cultural function	No	No
Political function	No	No
Other function	No	No

**138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:**

**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)?**

- Yes  
 No

If yes, please specify the conditions and possibly the amounts:

## 5. 4. Disciplinary procedures

### 5. 4. 1. Disciplinary procedures

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

- Citizens  
 Relevant Court or hierarchical superior  
 High Court / Supreme Court  
 High Judicial Council  
 Disciplinary court or body  
 Ombudsman  
 Parliament  
 Executive power  
 Other?  
 This is not possible

If "executive power" and/or "other", please specify:

Autre= Ministère Public, citoyen, tribunal concerné ou supérieur hiérarchique

**141) Who has been 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  
 Other?  
 This is not possible

If "executive power" and/or "other", please specify:

Autre= Président du tribunal correspondant

**142) Which authority has disciplinary power on judges? (multiple options possible):**

- Court  
 Higher Court / Supreme Court  
 Judicial Council  
 Disciplinary court or body  
 Ombudsman  
 Parliament  
 Executive power  
 Other?

If "executive power" and/or "other", please specify:

**143) Which authority has the disciplinary power on 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  
 Other?

If "executive power" and/or "other", please specify:

**144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.**

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

	Judges	Public prosecutors
Total number (1+2+3+4)	0	0
1. Breach of	0	0

professional ethics		
2. Professional inadequacy	0	0
3. Criminal offence	0	0
4. Other	NA	NA

Comment :

**145) Number of sanctions pronounced against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

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

Comment :

### E.3

**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

**Please indicate the sources for answering questions 144 and 145**

lois et constitution  
Consell Superior de la Justícia

## 6. Lawyers

### 6. 1. Status of the profession and training

#### 6. 1. 1. Status of the profession and training

**146) Total number of lawyers practising in your country.**

152

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

Yes

No

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

0

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

Civil cases?

Criminal cases - Defendant?

Criminal cases - Victim?

Administrative cases?

There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a trade union, etc) and for which types of cases:

Dans les affaires pénales pour les victimes, le procureur peut aussi les représenter.  
Pour les affaires administratives, les avocats des services juridiques de l'Etat peuvent représenter l'Etat.

**150) Is the lawyer profession organised through? (multiple options possible)**

a national bar?

a regional bar?

a local bar?

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

Yes

No

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

**153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?**

Yes

No

If yes, please specify:

**F.1**

**Please indicate the sources for answering questions 146 and 148:**

-----

**Comments for interpreting the data mentioned in this chapter:**

Sources: Barreau National

Les conseillers juridiques n'ont pas d'existence légale. Les avocats ont l'exclusivité du conseil juridique.

## 6. 2. Practising the profession

### 6. 2. 1. Practising the profession

**154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?**

Yes

No

**155) Are lawyers' fees freely negotiated?**

Yes

No

**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

**F.2**

**Useful comments for interpreting the data mentioned in this chapter:**

## 6. 3. Quality standards and disciplinary proceedings

### 6. 3. 1. Quality standards and disciplinary proceedings

**157) Have quality standards been determined for lawyers?**

Yes

No

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?

If "other", please specify:

**159) Is it possible to file a complaint about :**

the performance of lawyers?

the amount of fees?

Please specify:

Cette plainte est déposée devant le Barreau National ou directement devant la juridiction civile.

**160) Which authority is responsible for disciplinary procedures?**

the judge

the Ministry of justice

a professional authority

other

If other, please specify:

**161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.**

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

	Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	1. Breach of professional ethics	2. Professional inadequacy	3. Criminal offence	4. Other
Number	13	13	NA	NA	NA

Comment :

**162) Sanctions pronounced against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

	Total number of sanctions (1 + 2 + 3 + 4 + 5)	1.Reprimand	2. Suspension	3. Removal	4. Fine	5. Other (e.g. disbarment)
Number	1	NA	NA	NA	1	NA

Comment :

**F.3**

**You can indicate below any useful comments for interpreting the data mentioned in this chapter**

Réformes majeures en cours: Statut et normes déontologiques, prévision d'une formation initiale obligatoire et de l'obtention d'un diplôme spécifique d'aptitude à la profession d'avocat.

## 7. Alternative Dispute Resolution

### 7. 1. Alternative Dispute Resolution

#### 7. 1. 1. Alternative Dispute Resolution

**163) Does the legal system provide for mediation procedures? If no skip to question 168**

-----

**[Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).]**

- Yes  
 No

**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	No	No	No	No	No
Family law cases (ex. Divorce)	No	No	No	No	No
Administrative cases	No	No	No	No	No
Employment dismissals	No	No	No	No	No
Criminal cases	No	No	No	No	No

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

- Yes  
 No

If yes, please specify:

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

NAP

**167) Number of judicial mediation procedures.**

-----

**Please indicate the source in the "comment" box below:**

Total number of cases (total 1+2+3+4+5)	NAP
1. civil cases	NAP
2. family cases	NAP
3. administrative cases	NAP
4. employment dismissals cases	NAP
5. criminal cases	NAP

Comment :

**168) Does the legal system provide for the following ADR.**

**If "other", please specify it in the "comment" box below:**

Mediation other than judicial mediation?	No
Arbitration?	No
Conciliation?	

	Yes
Other alternative dispute resolution?	No

Comment :

**G.1**

- 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

**Please indicate the source for answering question 166:**



## 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

**170) Number of enforcement agents**

NAP

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

judges?

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

bailiff working in a public institution?

other enforcement agents?

Please specify their status and powers:

**172) Is there a specific initial training or examination to become an enforcement agent?**

Yes

No

**173) Is the profession of enforcement agents organised by?**

a national body?

a regional body?

a local body?

NAP (the profession is not organised)

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

Yes

No

**175) Are enforcement fees freely negotiated?**

Yes

No

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

Yes

No

**Please indicate the source for answering question 170:**

#### 8. 1. 2. Efficiency of enforcement services

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

- Yes  
 No

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

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

If other, please specify:

**179) Have quality standards been determined for enforcement agents?**

- Yes  
 No

If yes, what are the quality criteria used?

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

- a professional body  
 the judge  
 the Ministry of Justice  
 other

If "other", please specify:

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

- Yes  
 No

if yes, please specify

**182) Is there a system for monitoring the execution?**

- Yes  
 No

If yes, please specify

**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?

If other, please specify:

**184) 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:

**185) Is there a system measuring the timeframes of the enforcement procedures:**

- for civil cases?  
 for administrative cases?

**186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who 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

**187) Number of disciplinary proceedings initiated against enforcement agents. If other, please specify it in the "comment" box below.**

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

Total number of disciplinary proceedings (1+2+3+4)	<input checked="" type="checkbox"/> number:	0
1. for breach of professional ethics	<input checked="" type="checkbox"/> number:	0
2. for professional inadequacy	<input checked="" type="checkbox"/> number:	0
3. for criminal offence	<input checked="" type="checkbox"/> number:	0
4. Other	<input checked="" type="checkbox"/> number:	0

Comment :

Aucune procédure disciplinaire

**188) Number of sanctions pronounced against enforcement agents.**

**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

Total number of sanctions (1+2+3+4+5)	<input checked="" type="checkbox"/> number:	0
1. Reprimand	<input checked="" type="checkbox"/> number:	0
2. Suspension	<input checked="" type="checkbox"/> number:	0

3. Dismissal	<input checked="" type="checkbox"/> number:	0
4. Fine	<input checked="" type="checkbox"/> number:	0
5. Other	<input checked="" type="checkbox"/> number:	0

Comment :  
Aucune sanction disciplinaire

### H.1

**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

**Please indicate the source for answering the questions 186, 187 and 188:**

Batlila

## 8. 2. Execution of decisions in criminal matters

### 8. 2. 1. Execution of decisions 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 his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

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

- Yes  
 No

**191) If yes, what is the recovery rate?**

- 80-100%  
 50-79%  
 less than 50%  
 it cannot be estimated

Please indicate the source for answering this question:

### H.2

**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. Notaries

#### 9. 1. 1. Notaries

**192) Do you have notaries in your country? If no go to question 197**

- Yes  
 No

**193) Are notaries:**

-----

**If other, please specify it in the "comment" box below.**

- private professionals (without control from public authorities)?  number
- private professionals under the authority (control) of public authorities?  number
- public agents? NA
- other?  number

Comment :

**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?
- other?

If "other", please specify:

**195) Is there an authority entrusted with supervising and monitoring the the notaries' activity?**

- Yes  
 No

**196) Which authority is responsible for supervising and monitoring notaries:**

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

If other, please specify:

### I.1

**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

Il existe plusieurs supervisions : 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 députation de responsabilités 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 l'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

## 10. Court interpreters

### 10. 1. Court interpreters

#### 10. 1. 1. Court interpreters

**197) Is the title of court interpreters protected?**

- Yes  
 No

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

- Yes  
 No

**199) Number of accredited or registered court interpreters:**

NA

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

- Yes  
 No

If yes, please specify (e.g. having passed a specific exam):

**201) Are the courts responsible for selecting court interpreters? If no, please indicate in the "comment" box below which authority selects 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

Comment :

### J.1

**You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

Les interprètes judiciaires peuvent être nommés par le tribunal, au cas par cas, en fonction des besoins spécifiques d'une affaire particulière.

**Please indicate the sources for answering question 199:**

Batllia

## 11. Judicial experts

### 11. 1. Judicial experts

#### 11. 1. 1. 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
- "law 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)

**203) Is the title of judicial experts protected?**

- Yes
- No

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

- Yes
- No

**205) Number of accredited or registered judicial experts (technical experts)**

NA

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

- Yes
- No

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?**

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**If no, please indicate in the "comment" box below which authority selects 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 .

Comment :

### K.1

**You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

**Please indicate the sources for answering question 205:**



## 12. Foreseen reforms

### 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. If possible, please observe the following categories:**

- 1. (Comprehensive) reform plans**
- 2. Budget**
- 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)**
- 4. High Judicial Council**
- 5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.**
- 6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities**
- 7. Enforcement of court decisions**
- 8. Mediation and other ADR**
- 9. Fight against crime and prison system**
- 10. Other**

Malheureusement et depuis quelques années nous n'entendons parler que des mêmes problèmes. Le manque de majorité politique et maintenant le manque de moyens budgétaires ont fait que les problèmes se soient aggravés sans pour autant que des solutions aient été apportées.

1. Réforme complète de nos systèmes d'information avec la mise en place du dossier électronique
2. Etude d'un projet de loi sur l'établissement de la carrière judiciaire
3. Elaboration d'un programme fonctionnel pour un futur palais de justice
4. Etude d'un projet de loi sur la procédure civile
5. Réorganisation de la juridiction pénale
6. Réorganisation transversale du greffe
7. Indépendance dans l'exécution budgétaire