

SUPREME JUDICIAL COUNCIL

ORDINANCE No. 2 of 23 February 2017 on the indicators, methodology and procedure for appraisal of judges, court presidents and deputy court presidents

Chapter One

GENERAL PROVISIONS

Article 1. This Ordinance shall regulate the criteria, indicators, competent bodies, the procedure and the method for appraisal of judges, court presidents and deputy court presidents, as well as the documents to be drawn up upon appraisal.

Article 2. The provisions of this Ordinance shall be applicable to all judges except for the judges and the presidents of the Supreme Court of Cassation and the Supreme Administrative Court.

Article 3. The rules laid down in the Ordinance are based on the Constitution of the Republic of Bulgaria, the Judiciary System Act, the European Charter on the statute for judges, the recommendations of the Committee of Ministers of the Council of Europe on the status of judges, prosecutors and investigators, including Recommendation No. R (94) 12, opinions of the Consultative Council of European Judges for the attention of the Committee of Ministers of the Council of Europe, as well as all other national and international acts regulating the activity and status of judges, prosecutors and investigators.

Article 4. The Ordinance aims to:

1. establish the rule of law and ensure effective protection of the rights of judges;
2. ensure a lawful, transparent and fair career development process;
3. increase the personal motivation for professional development of judges and to maintain and improve the quality of their work;
4. prevent corruption within the judiciary system;
5. contribute to increasing the confidence in the judiciary.

Chapter Two

APPRAISAL CONCEPT

Article 5. (1) The appraisal shall be an objective assessment of the professional, business and moral qualities of a judge, court president and deputy court president demonstrated in the performance of his/her duties.

(2) For the assessment resulting from the appraisal, a Uniform

Appraisal Form for a judge, court president or deputy court president shall be filled in, in accordance with the template contained in the annex hereto.

Article 6. The appraisal shall guarantee professional self-improvement, equal and fair opportunities for career development of judges based on the principles of legality, equality, objectivity and transparency.

Article 7. The appraisal cannot affect the independence and fundamental rights of judges.

Article 8. (1) The appraisal shall relate to qualifications, achievements and professional aptitude, as well as compliance with the rules of ethical conduct of judges, court presidents and deputy court presidents.

(2) The qualification shall be a collection of the acquired professional knowledge, skills and personal abilities of the person subject to appraisal.

(3) The achievements shall be the personal qualitative and quantitative results achieved by the person subject to appraisal during his/her practical activity.

(4) The professional aptitude shall be the specific qualification for a particular position.

(5) Compliance with the rules of ethical conduct shall be the behaviour that complies with the rules of the relevant code of ethics.

Article 9. The appraisal shall be performed in the following cases:

1. preliminary: in the third year of appointment, and for junior judges – before re-appointment as a judge;
2. for acquiring status of irremovability – upon reaching 5 years of services as a judge;
3. periodically – every 5 years from the irremovability appraisal of a judge, court president and deputy court president until two successive positive comprehensive assessments have been received – "Good" and "Very Good" – during periodic appraisal following the acquisition of status of irremovability;
4. extraordinary – performed after the completion of the periodic appraisal if more than three years have elapsed since the last periodic appraisal, in the following cases:
 - where a judge applies for a promotion or transfer to another position;
 - where a judge stands for election as a court president;
 - based on a reasoned proposal by the Inspectorate to the Supreme Judicial Council or the relevant court president where there is evidence of permanent deterioration in the quality of work or non-compliance with the ethical rules by the judge;
 - in other cases – at the request of the judge when it is in his/her interest.

Article 10. (1) The appraisal shall not allow for unequal treatment of judges who have been absent from work due to paid/unpaid leave, business leave, leave due to temporary disability or due to secondment.

(2) In such cases, the appraisal shall cover a period during which the person subject to appraisal has actually worked in the relevant body of the judiciary but not less than two years.

(3) For magistrates seconded to international institutions, an opinion shall be submitted by the body (institution) where they have worked.

Chapter Three

APPRAISAL CRITERIA FOR JUDGES, COURT PRESIDENTS AND DEPUTY COURT PRESIDENTS

Section I

Appraisal Criteria Concept

Article 11. (1) The appraisal criteria shall define the qualifications, achievements and professional aptitude, as well as the observance of the rules of ethical conduct by the person subject to appraisal according to the requirements of the particular position to which he/she is appointed.

(2) Appraisal of a judge shall be based on general and specific criteria.

(3) The appraisal of a president and a deputy president shall cover the assessment under paragraph (1) and (2), assessment of his/her professional aptitude for a senior management position on the basis of additional criteria, as well as observance of the specific rules of ethical conduct for administrative heads laid down in Section III of the Code of Ethics for Bulgarian Magistrates.

(4) The general criteria shall be uniform for all magistrates, the specific criteria shall be differentiated according to the specifics of the judges' activity, and the additional criteria shall apply only to the presidents and their deputies.

(5) The judges appointed to administrative positions under Article 172, paragraph (1) JSA who are not deputies of presidents, shall be appraised only according to the general and specific criteria.

Section II

General Criteria for Appraisal of a Judge

Article 12. The general criteria for appraisal of a judge shall be:

1. legal knowledge and skills for the application thereof;
2. ability to analyse legally relevant facts;
3. ability to optimise work organisation;
4. efficiency and discipline;
5. compliance with the rules of ethical conduct.

Article 13. The general criterion for the appraisal of a judge "legal knowledge and skills for the application thereof" outlines the in-depth knowledge of the legal phenomenon, combined with the ability for abstract legal thinking in order to reveal the actual meaning of the applicable legal rule and to link it to the specific legal fact.

Article 14. The general criterion for the appraisal of a judge "ability to analyse legally relevant facts" outlines a good knowledge of the empirical reality and the ability to carry out the regulatory link between the legal fact and the creation, modification and extinction of the rights and obligations provided for in the relevant legal rule.

Article 15. The general criterion for the appraisal of a judge "ability to optimise work organisation" outlines an integrated approach that includes the rational distribution and grouping of the duties and tasks according to their importance and weight and the prompt and lawful resolution thereof within the terms stipulated in the Civil Procedure Code, the Criminal Procedure Code and the Administrative Procedure Code.

Article 16. The general criterion for the appraisal of a judge "efficiency and discipline" outlines such a work organisation that leads to the prompt and qualitative performance of official duties as well as the obligatory observance of the established order and discipline in the respective unit.

Article 17. The general criterion for the appraisal of a judge "compliance with the rules of ethical conduct" outlines such conduct by the person subject to appraisal, which is consistent with the basic principles of the judge's conduct inside and outside the office he/she holds.

Section III

Specific Criteria for Appraisal of a Judge

Article 18. The specific criteria for appraisal of a judge shall be:

1. compliance with the timetable for holding court hearings;
2. ability to hold a hearing and draft a record;
3. administration of cases and appeals, preparation for court hearings;
4. ability to provide reasons for the judgements, justification and analysis of evidence by taking into account the number of uncontested judgements subject to appeal; confirmed appealed judgements; annulled or invalidated judgements, in whole or in part, and the grounds thereof.

Article 19. The specific criterion for the appraisal of a judge "compliance with the timetable for holding court hearings" outlines the person's skills for a targeted distribution and optimal organisation of his/her work.

Article 20. The specific criterion for the appraisal of a judge "ability to hold a hearing and draft a record" outlines the level of knowledge of the person subject to appraisal in the field of procedural law and the practical application thereof in the examination of cases.

Article 21. The specific criterion for the appraisal of a judge "administration of cases and appeals, preparation for court hearings" includes two components:

- "administration of cases and appeals" outlines the ability to promptly examine and rule on all claims of the

parties to the proceedings and appeals, the exchange of papers, dispatching the competent authority, as well as the ability to act swiftly and purposefully in accordance with the procedural law in order to examine the cases within a reasonable time;

– "preparation for court hearings" outlines the skills of the person subject to appraisal for a preliminary in-depth examination of the materials in the case and to optimally ensure the lawful course of the forthcoming process while respecting the statutory rights of the participants therein.

Article 22. The specific criterion for the appraisal of a judge "number of uncontested judgements subject to appeal; confirmed appealed judgements; annulled or invalidated judgements, in whole or in part, and the grounds thereof" outlines the person's skills for carefully and thoroughly becoming familiar with the materials in the case, the ability to properly map the subject-matter to be proven, and providing clear justification and solid reasoning for the judgement based on accurate analysis of evidence.

Section IV

Additional Criteria for Appraisal of a President and Deputy President

Article 23. The additional eligibility criteria for a senior management position shall be:

1. ability to work in a team and assignment of tasks within it;
2. ability to make correct managerial decisions;
3. conduct that raises the authority of the judiciary;
4. ability to communicate with other state authorities, citizens and legal entities;
5. professional competence.

Article 24. The additional criterion for the appraisal of a president and deputy president "ability to work in a team and assignment of tasks within it" outlines the managerial, organisational and communication competence of the person subject to appraisal.

Article 25. The additional criterion for the appraisal of a president and deputy president "ability to make correct managerial decisions" outlines the skills of the person subject to appraisal to correctly perceive and analyse situations related to the performance of professional duties and to respond promptly by taking managerial decisions.

Article 26. The additional criterion for the appraisal of a president and deputy president "conduct that raises the authority of the judiciary" outlines the personal achievements of the person subject to appraisal to improve the work of the body of the judiciary governed by him/her and his/her ability to defend the authority of the judiciary and uphold the independence thereof.

Article 27. The additional criterion for the appraisal of a president and

deputy president "ability to communicate with other state authorities, citizens and legal entities" outlines the person's ability to interact with the state authorities, citizens and legal entities involved in the administration of justice, as well as to ensure trust in the bodies of the judiciary.

Article 28. The additional criterion for the appraisal of a president and deputy president "professional competence" outlines the person's ability assessed in accordance with the general and specific criteria for judges.

Chapter Four

ASSESSMENT INDICATORS FOR THE APPRAISAL CRITERIA FOR JUDGES, PRESIDENTS AND DEPUTY PRESIDENTS

Section I

Indicators Concept

Article 29. (1) The indicators shall be qualitative and quantitative benchmarks for measuring the qualifications, achievements and professional aptitude of a judge, president and deputy president.

(2) On the basis of the indicators, the verbal findings and the numerical assessment for each of the appraisal criteria shall be formed.

Section II

Indicators for the General Criteria for Appraisal of a Judge

Article 30. The assessment indicators for the general criterion "legal knowledge and skills for the application thereof" shall be:

1. knowledge and application of substantive law;
2. grounds for revocation, amendment or confirmation of judgements;
3. ability to apply procedural acts.

Article 31. The assessment indicators for the general criterion "ability to analyse legally relevant facts" shall be:

1. understandable and reasoned grounds for the judgements;
2. correct and lawful assessment of the relevant facts and circumstances and the ability to organise them in the course of proceedings;
3. ability to concentrate on the subject-matter to be proven in files and cases;
4. a comprehensive discussion of the disputed issues in the files and cases and the parties' objections;
5. concreteness, logic and consistency when providing reasons for the thesis;

6. ability to use clear and professional language, including language culture and literacy.

Article 32. The assessment indicators for the general criterion "ability to optimise work organisation" shall be:

1. number and type of files and cases;
2. adherence to procedural deadlines;
3. timeliness of adjudication in closed sessions;
4. the general workload of the judicial area and the body of the judiciary concerned, as well as the workload of the judge subject to appraisal compared to other judges of the same body of the judiciary;
5. activities outside the official duties of magistrates, such as teaching or lecturing, participation in a professional ethics committee within the relevant body of the judiciary, in a competition commission, in working parties, in the random distribution of cases, or others related to the professional activity of the magistrate as provided by the law;
6. the results of inspections by the Inspectorate to the Supreme Judicial Council, including the proceedings under Chapter IIIa JSA;
7. results of other inspections.

Article 33. The assessment indicators for the general criterion "efficiency and discipline" shall be:

1. ratio between cases examined and completed;
2. ratio between cases filed and completed;
3. responsible performance of official duties other than direct handling of cases;
4. incentives and penalties during the period covered by the appraisal.

Article 34. The assessment indicators for the general criterion "compliance with the rules of ethical conduct" shall be:

1. results of the additional inspection of the Inspectorate to the Supreme Judicial Council under Article 175h, paragraph (5) JSA in the appraisal of a judge for acquiring status of irremovability;
2. the results of inspections of the Inspectorate to the Supreme Judicial Council under Section Ib of Chapter Nine JSA, as well as the results of inspections of the ethics committee;
3. an opinion of the ethics committee to the relevant body of the judiciary, including an assessment of the exclusions and withdrawals made under the Administrative Procedure Code, the Civil Procedure Code and the Criminal Procedure Code where there is evidence that those have been unjustified; copies of unjustified exclusion orders shall also be applied.

Section III

Indicators for the Specific Criteria for Appraisal of a Judge

Article 35. The indicators for the specific criterion for the appraisal of a judge "compliance with the timetable for holding court hearings" regarding the person's skills for a targeted distribution and optimal organisation of his/her work shall be:

1. ability to timely and adequately plan the volume of specific work to be performed during the relevant court hearing;
2. skills for forecasting and adherence to the relative time frames of the duration of the hearing in view of the specific procedural steps to be taken;
3. skills to optimise the schedule of court hearings.

Article 36. The indicators for the specific criterion for the appraisal of a judge "ability to hold a hearing and draft a record" regarding the level of knowledge of the person subject to appraisal in the field of procedural law and the practical application thereof in the examination of cases shall be:

1. strict observance of the rights and legitimate interests of the participants in the proceedings, including consideration of the efforts leading to the successful conclusion of the dispute through mediation or court settlement;
2. knowledge and practical application of procedural techniques to fully clarify cases from a factual point of view;
3. ability to analyse and resolve factual and legal issues in a timely and lawful manner when examining cases;
4. ability to act swiftly and purposefully in accordance with the procedural law in order to examine cases within a reasonable time.

Article 37. The indicators for the specific criterion for the appraisal of a judge "administration of cases and appeals, preparation for court hearings" shall be:

1. timely, accurate and complete instructions to the parties and experts and actions on the movement of cases, appeals and protests;
2. number of judgements for returning the case in the previous phase and the reasons thereof;
3. reasons for postponement of cases.

Article 38. The indicators for the specific criteria in Article 22 in accordance with the specificity of individual matters shall be the number of uncontested judgements subject to appeal; confirmed appealed judgements; annulled or invalidated judgements, wholly or partially annulled judgements that have been appealed.

Section IV

Indicators for the Additional Criteria for Appraisal of a President and Deputy President

Article 39. The indicators for the additional criterion for the appraisal of a president and deputy president "ability to work in a team and assignment of tasks within it" regarding the managerial, organisational and communication competence of the person subject to appraisal shall be:

1. clearly defined strategic goals and outlined operational priorities in the work of the relevant body of the judiciary;
2. excellent collaboration and leadership skills;
3. timely convening and holding a general meeting in the cases provided by the law;
4. the ability to mutually, purposefully and efficiently exchange information with others in order to achieve a high degree of mutual understanding in the communication process;
5. ability to optimise the allocation of responsibilities and coordination between judges and staff within the body of the judiciary governed by the person subject to appraisal, including the random allocation of cases;
6. ability to motivate and create an atmosphere of trust among the team;
7. fairness in the evaluation of the performance and achievements of judges and staff within the body of the judiciary governed by him/her;
8. timely reporting of potential conflict situations and preventing the occurrence thereof;
9. findings based on inspections of the relevant body of the judiciary by the Inspectorate to the Supreme Judicial Council and other inspections of the person's performance on the application of his/her knowledge, abilities and skills to implement the assigned management functions;
10. ability to organise the work of the court panels.

Article 40. The indicators for the additional criterion for the appraisal of a president and deputy president "ability to make correct managerial decisions" regarding the skills of the person subject to appraisal to correctly perceive and analyse situations related to the performance of professional duties and to respond promptly by taking managerial decisions shall be:

1. developing new ideas and solutions;
2. self-initiative;
3. ability to manage and maintain movable and immovable property provided for use by the relevant body of the judiciary and entrusted to the president, as well as establishment of conditions for a regular work environment;
4. ability to make independent, timely, lawful and fair managerial decisions in an objective and transparent manner after hearing and preparing a reasoned assessment of the views of judges and staff;
5. organising the publication of court judgements on the district court's website in compliance with the Personal Data Protection Act;
6. taking personal responsibility for decisions and measures taken in the exercise of managerial functions;

7. findings of the Inspectorate to the Supreme Judicial Council based on planned inspections of the relevant body of the judiciary regarding the judgements issued by the person subject to appraisal, the organisation of the enforcement and effectiveness thereof;

8. ability to manage the budget of the relevant court.

Article 41. The indicators for the additional criterion for the appraisal of a president and deputy president "conduct that raises the authority of the judiciary" shall be:

1. ability to work with the public in order to increase trust in the judiciary;

2. strict compliance with the rules of conduct laid down in the Code of Ethics for Bulgarian Magistrates;

3. ability to uphold and defend the independence of the judiciary.

Article 42. The indicators for the additional criterion for the appraisal of a president and deputy president "ability to communicate with other state authorities, citizens and legal entities" shall be:

1. ability to interact with other state authorities while respecting the principle of legality;

2. observance of moral and ethical rules of conduct in the communication with citizens and legal entities.

Article 43. The indicators for the additional criterion for the appraisal of a president and deputy president "professional competence" shall correspond to the indicators for general and specific criteria for judges.

Chapter Five

APPRAISAL METHODOLOGY

Section I

Appraisal Methods

Article 44. The appraisal of a judge, president and deputy president shall be made by:

1. a quantitative assessment of the person's performance based on statistical data and comparison and analysis thereof;

2. a qualitative assessment of the person's performance based on a comprehensive analysis and evaluation of all the data regarding the judge's work;

3. immediate monitoring;

4. personal impressions;

5. an analysis of reliable written information relevant to the subject of the appraisal.

Article 45. (1) The quantitative assessment of the judge's performance shall be based on a comparison and analysis of the following key statistics:

1. total number and type of cases examined by the judge during the appraisal period, including pending cases from previous periods:

(a) first instance cases:

- civil cases;
- private civil cases;
- commercial cases;
- private commercial cases;
- administrative cases;
- private administrative cases;
- company files;
- criminal cases of general nature;
- criminal cases of private nature;
- administrative criminal cases;
- private criminal cases;
- retrials;

(b) appeals:

- civil appeals;
- private civil appeals;
- commercial appeals;
- private commercial appeals;
- criminal appeals of general nature;
- criminal appeals of private nature;
- criminal appeals of administrative nature;
- private criminal appeals;

(c) cassation cases:

- civil cases;
- private civil cases;
- commercial cases;
- private commercial cases;
- administrative cases;
- private administrative cases;
- criminal cases of general nature;
- administrative criminal cases;

2. number and type of open cases and the duration thereof from the date of initiation to the end of the appraisal period:

- (a) up to three months;
- (b) three to six months;
- (c) from six months to one year;
- (d) more than one year;

3. time limits for examining a case from the initiation to issuing the judgement or announcing the case ready for judgement (regardless of whether the judgement/reasons have been drafted):

(a) types of (civil) cases during the appraisal period: civil cases; private civil cases; civil appeals; private civil appeals; commercial cases; private commercial cases; commercial appeals; private commercial appeals; company files; administrative cases; private administrative cases; administrative cassation cases; private administrative cassation cases;

(b) types of (criminal) cases during the appraisal period: criminal cases of general nature; criminal cases of general nature filed

with a settlement; expedited procedure under Article 371, point (2) (Chapter 27 Criminal Procedure Code); criminal cases of private nature; criminal cases of administrative nature; private criminal cases – interrogation before a judge (Article 222 and 223 Criminal Procedure Code); private criminal cases – permissions/approvals under Article 164 Criminal Procedure Code; private criminal cases – restraining measures under Article 64 and 65 Criminal Procedure Code; private criminal cases – determinations under Article 243 Criminal Procedure Code; private criminal cases – others; criminal appeals of private nature; criminal appeals of general nature; criminal appeals of general nature closed after the first instance under Article 371, point (2) Criminal Procedure Code; criminal appeals of administrative nature; private criminal appeals under Article 64 and 65 Criminal Procedure Code; private criminal appeals under Article 243 Criminal Procedure Code; private criminal appeals – others; retrials;

(c) filed cases during the appraisal period listed by years;

(d) closed cases during the appraisal period listed by years;

(e) open cases after one year from the initiation date – number and reason for pending/suspension – findings, listed by years;

4. deadlines for rendering judgements (from the time the case is announced ready for judgement to the actual preparation thereof): up to one month, up to three months, up to one year, more than a year.

(2) The relevant statistical court report forms approved by the Supreme Judicial Council shall differentiate the basic statistical data relevant to the appraisal of a judge under paragraph (1) according to the specifics of the activity of the individual bodies of the judiciary, the specialisation of the persons subject to appraisal in terms of the subject-matter, type of allocated, scheduled and closed cases and the type of judgements.

(3) The statistical data shall be analysed in view of the expertise of the persons' activity in terms of the subject-matter, type of allocated and closed cases, the legal complexity and factual weight thereof and the types of judgements, taking into account the moment of allocation of the case to the person subject to appraisal.

Article 46. (1) The assessment of the quality of the judges' work shall be performed through an analysis of the facts established in the context of the instance control over the judgements they have rendered according to the specifics of the individual matters.

(2) The number and percentage of annulled decisions shall be counted as a negative result only if they clearly reveal, in a quantitative and qualitative manner, a lack of knowledge by the person subject to appraisal, necessary for the performance of the activity, in the area of substantive and procedural law substantiated by the assumption of systemic material mistakes.

Article 47. (1) The qualitative assessment of a judge's performance shall be based on the analysis of the content of the judgements and the juxtaposition, comparison and analysis of:

1. the ratio between judgements, judgements subject to appeal and appealed judgements;

2. the ratio between the number of appealed (verified), confirmed,

completely annulled, amended judgements, terminated proceedings, resumed proceeding and the grounds thereof;

3. the number of judgements not admitted to cassation appeal;
4. the number of successful applications for determination of a deadline in case of delay;
5. the uncontested judgements.

(2) The relevant statistical court report forms approved by the Supreme Judicial Council shall differentiate the basic statistical data relevant to the appraisal of a judge under paragraph (1) according to the specifics of the activity of the individual bodies of the judiciary, the specialisation of the persons subject to appraisal in terms of the subject-matter, type of cases and the type of judgements.

Article 48. (1) Immediate observation shall be performed through a thorough examination of specific cases involving the person subject to appraisal during the appraisal period in terms of the initiation, movement and completion thereof and the quality of the rendered judgements.

(2) The appraisal bodies shall also form an immediate impression of the work of the judges subject to appraisal by attending court hearings with their participation if such hearings are being held at the time of the examination in accordance with the organisation of the activity of the respective body of the judiciary.

(3) The appraisal bodies may have discussions with colleagues of the person subject to appraisal on issues related to the subject of the appraisal.

Article 49. Personal impressions of the work of a judge shall be obtained through a discussion/hearing of the person subject to appraisal on issues related to the subject of the appraisal.

Article 50. (1) The judge's activity shall be assessed on the basis of reliable written information regarding the person subject to appraisal, as well as any other information relevant to the appraisal.

(2) Reliable written information shall be: the annual activity reports of the relevant body of the judiciary; information from professional ethics committees formed within the relevant bodies of the judiciary; information from the Inspectorate to the Supreme Judicial Council; opinions of the administrative heads; information from inspections or data under the Conflict of Interest Prevention and Ascertainment Act; opinions of the National Institute of Justice on the contribution of the person subject to appraisal in the training activity; opinions of the relevant standing committees to the Supreme Judicial Council on the activity of the person subject to appraisal in professional ethics committees within the bodies of the judiciary; data on participation in additional professional trainings for upgrading the qualification provided there is a possibility; data on participation in events enhancing the authority of the judiciary, findings based on financial audits, etc.

(3) In the appraisal for the acquisition of status of irremovability, an assessment and analysis of the individual plan of the person subject to appraisal shall be made and the results of his/her preliminary appraisal shall be taken into account.

Article 51. (1) All appraisal methods shall be used for the assessment of a president and a deputy president.

(2) The assessment of a president and a deputy president in regard to their professional aptitude for a senior management position shall be made on the basis of immediate observations and impressions, hearings, opinions expressed by his/her colleagues, and analysis of the reliable written information about the person subject to appraisal, as well as any other information relevant to the appraisal.

(3) Immediate observation of a president and a deputy president shall take place through gaining impressions of the managerial decisions taken by the person subject to appraisal to improve the activity of the court they are in charge of; organisational reforms undertaken; actions to improve the facilities and working conditions for judges and staff; actions for an adequate and fair allocation of work within the relevant body of the judiciary; exercise of control functions; compliance with financial discipline, and any other circumstances relevant to the objective assessment of the additional criteria for the appraisal of a president and a deputy president.

(4) The appraisal of a president and a deputy president shall also take into account the details of their previous management experience and the findings of the financial audits of the body they are in charge of.

Section II

Competent Bodies and Appraisal Procedures

Article 52. (1) The appraisal of a judge, court president and deputy court president shall be held at the proposal of:

1. the judge concerned;
2. the president of the respective court;
3. the Inspectorate to the Supreme Judicial Council according the hypothesis of Article 203, paragraph (1), point (4), letter "c" JSA.

(2) The appraisal procedure shall be opened by a decision of the Committee on Appraisals and Competitions to the Judges' College of the SJC.

(3) Junior judges shall be subject to mandatory pre-assessment before re-appointment as judges. The preliminary appraisal shall begin at the proposal of the respective court president made three months before the expiration of the term.

(4) The Committee on Appraisals and Competitions to the Judges' College of the SJC shall start the preliminary appraisal following the expiration of three years since the appointment as a judge.

(5) The appraisal proposal for the acquisition of status of irremovability shall be submitted to the Committee on Appraisals and Competitions to the Judges' College of the SJC not later than three months before the expiration of the five-year term. The information under Article 58 shall be enclosed to the proposal.

(6) The Committee on Appraisals and Competitions to the Judges' College of the SJC shall commence the periodic appraisal not later than six months before the expiration of the five-year term.

(7) The appraisal shall cover a period of five years.

(8) The next appraisal period shall begin after the end of the statistical period from the previous appraisal, regardless of the date of the decision through which a comprehensive assessment for the previous appraisal has been adopted.

Article 53. The Committee on Appraisals and Competitions to the Judges' College of the SJC shall perform:

1. a preliminary appraisal under Article 196, point (1) JSA;
2. an appraisal for the acquisition of status of irremovability for a judge;
3. a periodic appraisal of a judge, president and deputy president other than those of the Supreme Court of Cassation and the Supreme Administrative Court;
4. extraordinary appraisal.

Article 54. The judge subject to appraisal shall be examined by an appraisal board consisting of a rapporteur and two members.

Article 55. A member of the Committee on Appraisals and Competitions to the Judges' College of the SJC shall not be entitled to participate in the decision-making process related to the appraisal regarding:

1. him/her personally, his/her spouse or lineal relative, a collateral relative up to the fourth degree, or a relative by affinity up to third degree inclusive;
2. a person in respect of whom, due to other circumstances, he/she may be presumed to be biased or interested in taking a particular decision.

Article 56. (1) The appraisal board shall be appointed at a proposal of the chairperson of the Committee on Appraisals and Competitions to the Judges' College of the SJC, laid down objectively in a decision of the Committee.

(2) The appraisal board shall be determined according to the area in which the magistrate subject to appraisal has worked during the appraisal period.

(3) The decision of the Committee on Appraisals and Competitions to the Judges' College of the SJC shall include the names of the members of the appraisal board and the appointed rapporteur, as well as the absence of obstacles to the participation therein.

Article 57. (1) The data concerning the determination of the appraisal board shall be immediately communicated to the person subject to appraisal and to the board members.

(2) The magistrate subject to appraisal may, within three days, provide reasons for the exclusion of a member of the appraisal board.

(3) A member of the appraisal board may make a reasoned withdrawal.

(4) The exclusion or withdrawal requests shall be determined by the Committee on Appraisals and Competitions to the Judges' College of the SJC and, if necessary, it shall appoint a new member.

Article 58. (1) The relevant administrative heads shall immediately provide to the Committee on Appraisals and Competitions to the Judges' College of the SJC information on the activity of the person subject to appraisal, namely:

1. Part I of the Uniform Appraisal Form;

2. Part IV by the bodies of the judiciary where the magistrate subject to appraisal has worked; where, during the appraisal period, the judge has worked in different bodies of the judiciary (secondment, transfer), a summary Part IV on the magistrate's activity shall also be enclosed, drawn up by the body where he/she is appointed; the said summary Part IV shall be provided to the magistrate for reference;

3. report for the period of prolonged leave due to temporary incapacity and/or pregnancy, childbirth and rearing when such circumstances exist;

4. on the principle of random selection, 3 enforced judgements together with the results of the instance control;

5. at least 3 enforced judgements together with the results of the instance control selected by the magistrate subject to appraisal;

6. copies of all annulled judgements together with the results of the instance control on an electronic medium;

7. an official note on the existence of incentives, imposed penalties and orders under the procedure of Article 327 JSA;

8. a report on the planned/annual inspections performed and inspections based on signals by the Inspectorate to the SJC of the magistrate's activities together with the measures taken according to the findings contained in the act for the period of appraisal, as well as for the inspections under Chapter IIIa JSA and Chapter Nine, Sections Ia and Ib JSA;

9. a report of the inspections on the organisation of the magistrate's activity, respectively the measures taken during the period of appraisal by the higher body of the judiciary;

10. an opinion of the professional ethics committee; where, during the appraisal period, the judge has worked in different bodies of the judiciary (secondment, transfer) for more than 6 months, the opinions of the professional ethics committees from each body shall be enclosed;

11. for junior judges – the assessment given by the administrative head on the legal training and professional capacity of the magistrate subject to appraisal;

12. for junior judges – an opinion of the appointed mentor judge on the basis of the assessment reports drawn up in accordance with the Rules on the Statute and Activities of the Mentor Judge.

(2) During the appraisal of a president and a deputy president, the relevant bodies of the judiciary shall provide the information under paragraph (1), as well as:

1. a certificate of the workload percentage of the magistrate subject to appraisal as a president and deputy president;

2. a report on the planned/annual inspections and inspections based on signals by the Inspectorate to the SJC of the respective body of the judiciary and the magistrate's activity together with the measures taken according to the findings contained in the act for the period of appraisal;

3. a report on the inspections performed by the higher body of the judiciary for the period of appraisal on the organisation of the

the activity of the relevant body of the judiciary and the magistrate, as well as the measures taken;

4. an audit report;

5. information about the activity of the person subject to appraisal according to the criteria under Article 201, paragraph (1) JSA;

6. a report on the inspections performed by the administrative head or inspections with his/her participation under Article 86, paragraph (1), point (6) and Article 106, paragraph (1), point (7) JSA.

Article 59. (1) The activity of the person subject to appraisal shall be inspected by the appraisal board under the procedure of Article 204a, paragraph (1) and (2) JSA.

(2) The inspection of the activity of the person subject to appraisal shall be carried out within three months from receipt of the data requested following the initiation of the procedure.

Article 60. (1) The appraisal board shall submit to the Committee on Appraisals and Competitions to the Judges' College a summary report on the results of the inspection and a proposal for a comprehensive assessment.

(2) The report shall be drawn up within 14 days following the examination of the person's activity.

(3) The content of the report shall include an analysis of the objective facts and circumstances of the person's performance established on the basis of the appraisal methods and the findings of the appraisal board according to the provided appraisal indicators.

(4) In the case of appraisal for acquisition of status of irremovability, an assessment of the professional development of the judge shall also be made, including on the basis of the individual plans for his/her professional development.

(5) On the basis of a comprehensive assessment of the findings based on the appraisal indicators, the board shall provide reasons for the specific assessments made on each individual criterion and shall formulate its proposal for a comprehensive assessment in a reasoned manner.

Article 61. After becoming familiar with the summary report, the Committee on Appraisals and Competitions to the Judges' College of the SJC may instruct the appraisal board to remedy any identified deficiencies.

Article 62. The Committee on Appraisals and Competitions to the Judges' College of the SJC shall prepare a comprehensive assessment which may be positive or negative.

Article 63. (1) The Committee on Appraisals and Competitions to the Judges' College shall provide the comprehensive assessment under Article 204a, paragraph (3) JSA to the person subject to appraisal who may, within a 7-day period, lodge a written objection before the Supreme Judicial Council's Judges' College.

(2) In case of objection, the Supreme Judicial Council's Judges' College shall hear the person subject to appraisal, collecting additional information if necessary. The person subject to appraisal shall be notified at least 7 days before the date of the meeting.

(3) When the Supreme Judicial Council's Judges' College approves the objection, the Committee on Appraisals and Competitions to the Judges' College of the SJC shall prepare a new comprehensive assessment.

(4) A decision of the Supreme Judicial Council's Judges' College which does not approve the objection, shall be subject to appeal before the Supreme Administrative Court. The court's decision shall be final.

Article 64. The comprehensive assessment of the periodic appraisal together with the recommendations to the person subject to appraisal shall be adopted by a decision of the Supreme Judicial Council's Judges' College.

Article 65. (1) The Committee on Appraisals and Competitions to the Judges' College of the SJC shall prepare a comprehensive assessment for the acquisition of status of irremovability within one month of receipt of the proposal for appraisal for acquisition of status of irremovability.

(2) The comprehensive assessment shall be provided to the person subject to appraisal, who may file a written objection before the Supreme Judicial Council's Judges' College within 7 days.

(3) In case of objection, the Supreme Judicial Council's Judges' College shall hear the person subject to appraisal, collecting additional information if necessary. The person subject to appraisal shall be notified at least 7 days before the date of the meeting.

(4) When the Supreme Judicial Council's Judges' College approves the objection, the Committee on Appraisals and Competitions to the Judges' College of the SJC shall prepare a new comprehensive assessment.

(5) The comprehensive assessment for the purposes of acquiring status of irremovability shall be adopted by a decision of the Supreme Judicial Council's Judges' College.

(6) In cases where the comprehensive assessment from the appraisal is negative, the Supreme Judicial Council's Judges' College shall refuse to grant status of irremovability by a decision and the person subject to appraisal shall be dismissed.

Section III

Assessment Mechanism

Article 66. (1) The judge's assessment shall include:

1. verbal findings on the indicators for each of the appraisal criteria on the basis of the established facts and circumstances on the activity of the person subject to appraisal;

2. a numerical assessment of each individual appraisal criterion by a specific number of points based on the findings for the indicators to the relevant criterion;

3. forming a comprehensive verbal assessment for the appraisal based on the total number of points on each of the individual appraisal criteria.

(2) The assessment of a president and deputy president shall include two components:

– assessment under paragraph (1) for his/her activity as a judge;

– only a verbal assessment of his/her professional aptitude to hold a senior management position based on the indicators of the additional criteria.

(3) Where, during the appraisal period, the judge has also held other positions within the bodies of the judiciary, his/her performance within these bodies shall require an appraisal from the relevant competent bodies.

(4) Where, during the appraisal period, the judge was elected a SJC member, chief inspector or inspector at the Inspectorate to the Supreme Judicial Council, his/her performance within these bodies shall be assessed under the conditions of Article 28, paragraph (2) or Article 50 paragraph (2) JSA, which shall become an integral part of the comprehensive assessment for the judge's appraisal.

Article 67. (1) The assessment of the individual criteria by a specific number of points shall be a numerical expression of the summarised findings on the implementation of the envisaged indicators.

(2) The same findings in the same cases for the same period shall be taken into account only once. If inspections by the Inspectorate to the SJC have been performed, the findings thereof shall only be applied to the criteria where such findings are defined as indicators.

Article 68. The general appraisal criteria shall be assessed based on the scoring system as follows:

1. legal knowledge and skills for the application thereof – 0 to 20 points;
2. ability to analyse legally relevant facts – 0 to 20 points;
3. ability to optimise work organisation – 0 to 15 points;
4. efficiency and discipline – 0 to 8 points;
5. compliance with the rules of ethical conduct – 0 to 12 points.

Article 69. The specific criteria for the appraisal of a judge shall be assessed based on the scoring system as follows:

1. compliance with the timetable for holding court hearings – 0 to 3 points;
2. ability to hold a hearing and draft a record – 0 to 7 points;
3. administration of cases and appeals, preparation for court hearings – 0 to 10 points;
4. ability to provide reasons for the judgements, justification and analysis of evidence by taking into account the number of uncontested judgements subject to appeal; confirmed appealed judgements; annulled or invalidated judgements, in whole or in part, and the grounds thereof – 0 to 5 points.

Article 70. (1) The assessment shall take into account the actual workload of the respective judicial area and the body of the judiciary, as well as the individual workload of the judge subject to appraisal.

(2) The workload of the relevant body of the judiciary shall be compared to the workload of the bodies of the judiciary of the same type and degree.

(3) The individual workload of the judge subject to appraisal shall be determined according to the statistics and data from the system for calculating the workload of judges according to the Rules for Assessment of the Workload of Judges adopted by the SJC on 16.12.2015, as amended and supplemented on 24.03.2016 and 08.11.2016.

(4) The individual workload of the person subject to appraisal shall be compared to the workload of other judges of the same body of the judiciary.

(5) Reporting the workload shall ensure

fairness of the assessment in view of the actual volume of work implemented by the person subject to appraisal.

Article 71. (1) The comprehensive assessment for the appraisal of a judge shall be a verbal summary of his/her qualifications, achievements and professional aptitude, determined by the sum of the numerical assessments for the individual appraisal criteria. The sum of the score for each criterion shall form the comprehensive appraisal assessment which may be positive or negative.

(2) The comprehensive appraisal assessment of a president and deputy president shall include two components:

- the comprehensive assessment under paragraph (1);
- a verbal assessment of the additional criteria.

(3) The assessment under Article 28, paragraph (2) and Article 50, paragraph (2) JSA shall become an integral part of the comprehensive assessment for the appraisal of the judge.

(4) The degrees of positive overall assessment shall be:

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

(5) The comprehensive assessment shall be reasoned and recommendations to the person subject to appraisal shall also be provided.

(6) Where, in the context of the appraisal procedure, specific needs or the need to further develop the professional skills of a judge are established, the Committee on Appraisals and Competitions to the Judges' College of the SJC shall draw up, with the participation of the respective magistrate, individual plans for his/her professional development, the implementation of which shall be assisted by the National Institute of Justice.

Article 72. (1) A negative comprehensive assessment of a judge shall be formed in case of an established "unacceptable performance", with a total sum of the scores for the individual criteria up to 50 points inclusive.

(2) A satisfactory comprehensive assessment of a judge shall be formed in case of an established "satisfactory performance", with a total sum of the scores for the individual criteria from 51 to 70.

(3) A good comprehensive assessment of a judge shall be formed in case of an established "adequate performance for the position", with a total sum of the scores for the individual criteria from 71 to 90.

(4) A very good comprehensive assessment of a judge shall be formed in case of an established "very good performance", with a total sum of the scores for the individual criteria from 91 to 100.

Article 73. (1) A negative comprehensive assessment according to the additional criteria for a president and deputy president shall be formed in the case of an established "unacceptable performance".

(2) A satisfactory comprehensive assessment of a president and deputy president shall be formed in the case of an established "satisfactory performance".

(3) A good comprehensive assessment of a president and deputy president shall be formed in the case of an established "adequate performance for the position".

(4) A very good comprehensive assessment of a president and deputy president shall be formed in the case of an established "very good performance".

Article 74. (1) "Unacceptable performance" means that the person subject to appraisal systematically performs his/her job considerably below the level of the requirements for the position and does not possess the qualification, achievements and professional aptitude for the respective position under Article 163 JSA or the relevant management or administrative position.

(2) "Satisfactory performance" means that the person subject to appraisal does not fully meet the requirements for the position and has insufficient qualification, achievements and professional aptitude for the respective position under Article 163 JSA or the relevant management or administrative position, and an improvement of his/her performance is needed.

(3) "Adequate performance for the position" means that the person subject to appraisal generally exceeds the requirements of the position and possesses the necessary qualification, achievements and professional aptitude for the respective position under Article 163 JSA or the relevant management or administrative position.

(4) "Very good performance" means that the person subject to appraisal systematically performs his/her work very efficiently and in good faith at a level significantly beyond the job requirements and has excellent qualification, achievements and professional aptitude for the position, demonstrates effective and faithful performance at the level of the job requirements for the respective position under Article 163 JSA or the relevant management or administrative position.

Section IV

Uniform Form

Content of the Uniform Appraisal Form for a Judge, President and Deputy President

Article 75. The Uniform Form shall include:

1. Part I – Staff report;
2. Part II – Assessment by the administrative head in the cases under Article 197, paragraph (2) JSA;
 - Part IIa – Opinion of the mentor judge in the cases under Article 197, paragraph (2) JSA;
3. Part III – Cases examined, court hearings attended, discussions, valid written information used;

4. Part IV – Basic statistics depending on the subject-matter under examination (civil and administrative cases – Part IVa, criminal cases – Part IVb);

– a report on the overall workload of the judicial area and the body of the judiciary concerned, as well as the workload of the judge subject to appraisal compared to other judges of the same body of the judiciary;

5. Part V – Findings and a verbal assessment by the Management Board of the National Institute of Justice in the cases under Article 198, paragraph (4) JSA;

6. Part VI – Findings and numerical assessments of the general appraisal criteria;

7. Part VII – Findings and numerical assessments of the specific appraisal criteria;

8. Part VIII – in the cases under Article 201, paragraph (1) JSA – a verbal assessment of the additional criteria for the appraisal of a court president and a deputy court president;

9. Part IX – Summary report by the Appraisal Board, proposal for a comprehensive assessment;

10. Part X – A final proposal for a comprehensive assessment by the Committee on Appraisals and Competitions.

TRANSITIONAL AND FINAL PROVISIONS

§ 1. This Ordinance is issued on the basis of Article 209b of the Judiciary System Act and has been adopted by a decision of the Plenum of the Supreme Judicial Council under Record No. 7 of 23.02.2017.

§ 2. The Ordinance shall enter into force on the day of its promulgation in State Gazette.

§ 3. The open appraisal procedures that have not been completed before the entry into force of the Ordinance shall be completed according to the rules on the basis of which they were initiated.

§ 4. The Uniform Appraisal Form for a Judge, Court President and Deputy Court President annexed hereto shall be an integral part of this Ordinance.

Presiding SJC: **Svetla Petkova**

Annex

**UNIFORM APPRAISAL FORM FOR A JUDGE,
COURT PRESIDENT AND DEPUTY COURT PRESIDENT****Part I****Staff report**

Personal data (full name)	
Date and place of birth	
PIN	
Telephone, e-mail	
Higher education diploma in Law No. /date; university	
Certificate of Competence No. ... /date	
Body of the judiciary	
Position (including administrative positions under Article 172 JSA)	
Legal experience: - within a body of the judiciary (indicate every position and duration thereof in the relevant body of the judiciary); - outside the bodies of the judiciary	
Additional qualification and specialisation	
Acquisition of status of irremovability (date, decision, act)	

Promotion to a higher rank and remuneration increase (last rank – SJC decision)

Date, place and results of the previous appraisal

Appraisal period

Part II

**Assessment by the administrative head in the
cases under Article 197, paragraph (2) JSA;**

Body of the judiciary:

Administrative head:

Assessment:

Signature:

(administrative head)

Part IIa

Opinion of the mentor judge under

Article 197, paragraph (2) JSA

Body of the judiciary:

Mentor judge:

Opinion:

Signature:

Part III

**Cases examined; court hearings attended; discussions;
valid written information used**

Cases examined:

Court hearings attended:

Discussions:

Valid written information:

Part IVa

A. Judges – civil, administrative

1.	Total number and type of cases examined by the person subject to appraisal, including pending cases from previous periods						
	1.1 First instance cases:						
	civil cases	private civil cases	commercial cases	private commercial cases	administrative cases	private administrative cases	company files
	1.2 Appeals:						
	civil appeals		private civil appeals		commercial appeals		private commercial appeals
	1.3 Cassation cases:						
	civil cases	private civil cases	commercial cases	private commercial cases	administrative cases	private administrative cases	
	Findings:						

2.	Compliance with deadlines				
	2.1 Number and type of open cases and the duration thereof from the date of initiation to the end of the appraisal period				
	up to 3 months	from 3 to 6 months		from 6 months to 1 year	more than 1 year
	2.2 Time limits for examining a case from the initiation to issuing the judgement or announcing the case ready for judgement (regardless of whether the judgement has been drafted or not)				
	Cases during the appraisal period				
	year/type	filed	closed	open cases after one year from the initiation date	
				number	reason for pending/suspension – findings
 year				
	civil cases				

private civil cases				
civil appeals				
private civil appeals				
commercial cases				
private commercial cases				
commercial appeals				
private commercial appeals				
company files				
administrative cases				
private administrative cases				
cassation administrative cases				
private cassation administrative cases				
TOTAL for the year:				
TOTAL for the appraisal period:				

Findings:

(For cases with a duration over 1 year, describe the reasons for deferment; for cases with a duration of less than a year, indicate only the number)

Note:

(indicate the number of cases terminated by means of mediation or court settlement)

2.3 Deadlines for rendering judgements (from the time the case is announced ready for judgement to the actual preparation thereof):					
year/type	number rendered judgements	rendered within 1 month	rendered within 3 months	rendered within 1 year	rendered in more than 1 year
..... year					
civil cases					
private civil cases					
civil appeals					
private civil appeals					
commercial cases					
private commercial cases					
commercial appeals					
private commercial appeals					
company files					
first instance administrative cases					
private first instance administrative cases					
cassation administrative cases					
private cassation administrative cases					
TOTAL for the year:					
TOTAL for the appraisal period:					
Findings:					
<i>(In case of delay of the judgement for more than 3 months, indicate the reason)</i>					

3. Number of approved and annulled acts and the reasons thereof									
year/type	rendered	subject to appeal	appealed	approved	annulled in whole	amended	terminated	approved complaints for delay	not admitted to cassation appeal
..... year									

civil cases									
private civil cases									
civil appeals									
private civil appeals									
commercial cases									
private commercial cases									
commercial appeals									
private commercial appeals									
company files									
first instance administrative cases									
private first instance administrative cases									
private cassation administrative cases									
TOTAL for the year:									
TOTAL for the appraisal period:									

Presentation of the data in part IVa to the person subject to appraisal

Part IVb

A. Judges – criminal

1.	Total number and type of files and cases examined by the person subject to appraisal, including pending cases from previous periods				
1.1	First instance cases:				
	criminal cases of general nature	criminal cases of private nature	private criminal cases	administrative criminal cases	retrials
1.2	Appeals:				
	criminal appeals of general nature	criminal appeals of private nature	private criminal appeals	criminal appeals of administrative nature	
1.3	Cassation cases:				
	cassation criminal cases of general nature		cassation administrative criminal cases		
	Findings:				

2.	Number and type of open cases and the duration thereof from the date of initiation to the end of the appraisal period				
2.1	Number of pending cases (as of the initiation date)				
	up to 3 months	from 3 to 6 months	from 6 months to 1 year	more than 1 year	
2.2	Time limits for examining a case from the initiation to issuing the judgement or announcing the case ready for judgement (regardless of whether the judgement/reasons have been drafted or not)				
	Cases during the appraisal period				
	year/type	filed	closed	open cases after one year from the initiation date	
				number	reason for pending/suspension – findings
 year				
	criminal cases of general nature				

	criminal cases of general nature filed with settlement				
	criminal cases of general nature – expedited procedure under Article 371, point (2) CrPC (Chapter 27 CrPC)				
	criminal cases of private nature				
	criminal cases of administrative nature				
	private criminal cases – interrogation before a judge (Article 222 and 223 CrPC);				
	private criminal cases – permissions/ approvals under Article 164 CrPC				
	private criminal cases – restraining measures under Article 64 and 65 CrPC				
	private criminal cases – determinations under Article 243 CrPC				
	private criminal cases – others				
	criminal appeals of general nature				
	criminal appeals of general nature – closed after first instance under Article 371, point (2) CrPC				
	criminal appeals of private nature				
	criminal appeals of administrative nature				
	private criminal appeals – under Article 64 and 65 CrPC				
	private criminal appeals – under Article 243 CrPC				
	private criminal appeals – others				
	retrials				
	TOTAL for the year:				
	TOTAL for the appraisal period:				

..... year								
criminal cases of general nature								
criminal cases of general nature – filed with settlement								
criminal cases of general nature – expedited procedure under Article 371, point (2) CrPC (Chapter 27 CrPC)								
criminal cases of private nature								
criminal cases of administrative nature								
private criminal cases – restraining measures under Article 64 and 65 CrPC								
private criminal cases – determinations under Article 243 CrPC								
private criminal cases – others								
criminal appeals of general nature								
criminal appeals of private nature								
TOTAL for the year:								
TOTAL for the appraisal period:								

Presentation of the data in part IVb to the person subject to appraisal

Overall workload of the judicial area and the body of the judiciary concerned, as well as the workload of the person subject to appraisal compared to other judges of the same body of the judiciary						
year/workload	number filed cases	number of cases for examination	number closed cases	total man-months	Actual workload	
					cases to be examined	closed cases
..... year						
Workload of the body of the judiciary						
Workload of the division						
Workload of the magistrate subject to appraisal						
Workload of other equal bodies of the judiciary (district courts) in the relevant judicial area						
District court –						
District court –						
Workload of other equal bodies of the judiciary (regional courts) in the relevant appellate area						
Regional court –						
Regional court –						
Workload of other equal bodies of the judiciary (administrative courts)						
Administrative court –						
Administrative court –						

Note: A total number of civil and criminal cases has been included for the indicated parameters – filed, to be examined and closed cases.

The individual workload of the judge subject to appraisal shall be determined according to the statistics and data from the system for calculating the workload of judges according to the Rules for Assessment of the Workload of Judges adopted by the SJC on 16.12.2015, as amended and supplemented on 24.03.2016 and 08.11.2016.

Part V

Findings and verbal assessment by the Management Board of the National Institute of Justice for the time of service of the judge subject to appraisal, in the cases under Article 198, paragraph (4) JSA

Signatures of the members of MB of NIJ:

Part VI

General appraisal criteria for a judge, president and deputy president – findings, numerical assessment

1.	Legal knowledge and skills for the application thereof
	<i>Findings:</i>
	<i>Assessment:</i>

2.	Ability to analyse legally relevant facts
	<i>Findings:</i>
	<i>Assessment:</i>

3.	Ability to optimise work organisation
	<i>Findings:</i>
	<i>Assessment:</i>

4.	Efficiency and discipline
	<i>Findings:</i>

	Assessment:
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5.	Compliance with the rules of ethical conduct
	<i>Findings:</i>
	Assessment:

Part VII

**Specific appraisal criteria for a judge, president and deputy
president – findings, numerical assessment**

1.	Compliance with the timetable for holding court hearings
	<i>Findings:</i>
	<i>Assessment:</i>

2.	Ability to hold a hearing and draft a record
	<i>Findings:</i>
	<i>Assessment:</i>

3.	Administration of cases and appeals, preparation for court hearings
	<i>Findings:</i>
	<i>Assessment:</i>

4.	Number of uncontested judgements subject to appeal; confirmed appealed judgements; annulled or invalidated judgements, in whole or in part, and the grounds thereof
	<i>Findings:</i>
	<i>Assessment:</i>

Part VIII

Additional criteria for a managerial position – verbal assessment

1.	Ability to work in a team and assignment of tasks within it
	<i>Findings:</i>

2.	Ability to make decisions
	<i>Findings:</i>

3.	Conduct that raises the authority of the judiciary and ability to defend and uphold the independence of the judiciary
	<i>Findings:</i>

4.	Ability to communicate with other state authorities, citizens and legal entities

Verbal assessment:

Part IX

Summary report by the Appraisal Board, proposal for a comprehensive assessment

1. Summary report by the Appraisal Board:

2. Proposal for a comprehensive assessment:

Positive:	Score	Performance
1. Satisfactory		Satisfactory performance
2. Good		Adequate performance for the position
3. Very good		Very good performance
Negative:		Unacceptable performance

Appraisal Board:

1.....
(name and surname) *(signature)*

2.....
(name and surname) *(signature)*

3.....
(name and surname) *(signature)*

The form was drafted on:
(date)

Part X
Final proposal for a comprehensive assessment by the Committee
on Appraisals and Competitions

Positive:	Score	Performance
1. Satisfactory		Satisfactory performance
2. Good		Adequate performance for the position
3. Very good		Very good performance
Negative:		Unacceptable performance

Reasons by the Committee regarding the comprehensive assessment and recommendations to the person subject to appraisal:

The form was served to me on:

(date)

.....

(name and surname)

.....

(signature)

.....

(I object/I have no objections)

.....

(signature)

