

ORDINANCE No. 3 of 23 February 2017
on the indicators and methodology for appraisal and the criteria for measuring
the workload of prosecutors, investigators, administrative head and their
deputies

(promulgated SG No. 21/10.03.2017)

Chapter One

Section I

General Provisions

Article 1. This Ordinance shall regulate the indicators, the competent bodies, the procedure and method for appraisal of a prosecutor, investigator, administrative head and a deputy administrative head, the criteria for measuring the workload in the bodies of the judiciary, and the procedure and documents to be drawn up upon appraisal.

Article 2. The provisions of the Ordinance shall be applicable to all prosecutors, investigators, including junior prosecutors, junior investigators, administrative heads and deputy administrative heads within the bodies of the judiciary, with the exception of those in the Supreme Prosecutor's Office of Cassation, the Supreme Administrative Prosecutor's Office and the National Investigation Service.

Section II

Resources

Article 3. The rules laid down in the Ordinance are based on the Constitution of the Republic of Bulgaria, the Judiciary System Act, 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, 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 prosecutors, investigators, administrative heads and their deputies;
2. ensure a lawful, transparent and fair career development process;
3. enhance personal motivation for professional development;
4. 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 prosecutor, investigator, administrative head and a deputy administrative head demonstrated in the performance of his/her duties.

Article 6. The appraisal shall guarantee equal and fair opportunities for

the career development of prosecutors, investigators, administrative heads and their deputies, and shall be based on the principles of legality, equality, objectivity and transparency.

Article 7. The appraisal aims to promote the independence and fundamental rights of prosecutors and investigators.

Article 8. The appraisal shall not allow for unequal treatment of prosecutors and investigators who have been absent from work due to paid/unpaid leave, business leave, leave due to temporary disability, pregnancy, childbirth, adoption of a child, other statutory leave or due to secondment.

Article 9. (1) The subject of the appraisal shall be the qualifications, achievements, professional competence, as well as the observance of the rules of ethical conduct of a prosecutor, investigator, administrative head and a deputy administrative head.

(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 competence 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 10. The appraisal shall be performed in the following cases:

1. preliminary – in the third year of appointment, and for junior prosecutors and junior investigators – before re-appointment as a prosecutor or investigator;

2. for acquiring status of irremovability – upon reaching 5 years of services as a prosecutor or investigator;

3. periodically – every 5 years from the irremovability appraisal of a prosecutor or investigator, administrative head and deputy administrative head until two successive positive comprehensive assessments have been received – “good” or “very good” – from a periodic appraisal following the acquisition of status of irremovability;

4. extraordinary – after the completion of the periodic appraisal, if more than three years have elapsed since the last periodic appraisal, in the following cases:

(a) where a prosecutor or investigator applies for a promotion or transfer to another position;

(b) where a prosecutor or investigator stands for election as an administrative head.

(c) based on a reasoned proposal by the Inspectorate to the Supreme Judicial Council or the relevant administrative head where there is evidence of permanent deterioration in the quality of work or non-compliance with the ethical rules by the prosecutor or investigator;

(d) in other cases – at the request of the prosecutor or investigator when it is in his/her interest.

Chapter Three

APPRAISAL CRITERIA FOR A PROSECUTOR, INVESTIGATOR, ADMINISTRATIVE HEAD AND DEPUTY ADMINISTRATIVE HEAD

Section I

Appraisal Criteria Concept

Article 11. (1) The appraisal of a prosecutor or investigator shall be conducted on the basis of the general and specific criteria established in Article 198 and 199 JSA.

(2) The appraisal of an administrative head and a deputy administrative head shall include an assessment of the qualifications and achievements as a prosecutor or investigator, as well as an assessment of the professional aptitude for holding a managerial position, and on the basis of additional criteria.

(3) The general criteria shall be uniform for all prosecutors and investigators, the specific criteria shall be differentiated according to the specifics of the prosecutors' and investigators' activity, and the additional criteria shall apply only to the administrative heads and their deputies.

(4) Prosecutors and investigators assigned to administrative positions under Article 172, paragraph (1) of the Judiciary System Act (JSA) shall be appraised according to the requirements of paragraph (1).

(5) Where, during the appraisal period, a prosecutor or an investigator was also appointed as an administrative head or a deputy administrative head, the appraisal shall be performed on the basis of the general, specific and additional criteria if the managerial position covers more than half of the appraisal period.

Section II

General Criteria for Appraisal of a Prosecutor or Investigator

Article 12. The general criteria for appraisal of a prosecutor or investigator 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.

Section III

Specific Criteria for Appraisal of a Prosecutor or Investigator

Article 13. The specific criteria for appraisal of a prosecutor shall be:

1. skills for planning and structuring pre-trial and trial proceedings;
2. execution of the written instructions and orders of the higher-level prosecutor;
3. ability for work flow organisation and management of investigation bodies and teams involved in pre-trial proceedings;
4. number of uncontested prosecutor's acts, including decisions for termination and suspension of the criminal proceedings, number of final judgements passed on the basis of acts submitted by the prosecutor subject to appraisal, as well as

the final judgements for the resumption of cases for the removal of procedural violations and the reasons thereof, number of approved protests, confirmed, amended and annulled prosecutor's acts during instance and official control.

Article 14. The specific criteria for appraisal of an investigator shall be:

1. skills for planning and structuring pre-trial proceedings;
2. execution of the written instructions and orders of the prosecutor;
3. compliance of the prosecutor's acts with the investigator's opinion following the final closure of the investigation and the cases resumed for further investigation.

Section IV

Additional Appraisal Criteria for an Administrative Head and a Deputy Administrative Head

Article 15. 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 16. The additional criterion for the appraisal of an administrative head and a deputy administrative head "ability to work in a team and assignment of tasks within it" outlines the leadership qualities of the person subject to appraisal, expressed in: managerial and organisational competence; communication skills and collegiate attitude towards staff and magistrates he/she is in charge of.

Article 17. The additional criterion for the appraisal of an administrative head and deputy administrative head "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 18. The additional criterion for the appraisal of an administrative head and deputy administrative head "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 and uphold the authority and independence of the judiciary.

Article 19. The additional criterion for the appraisal of an administrative head and deputy administrative head "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 20. The additional criterion for the appraisal of an administrative head and deputy administrative head "professional competence" outlines the person's skills to improve the organisation and efficiency of the work within the prosecutor's office he/she is in charge of.

Chapter Four

ASSESSMENT INDICATORS FOR THE APPRAISAL CRITERIA FOR PROSECUTORS, INVESTIGATORS, ADMINISTRATIVE HEADS AND DEPUTY ADMINISTRATIVE HEADS

Section I

Indicators Concept

Article 21. (1) The indicators shall be qualitative and quantitative benchmarks for measuring the qualifications, achievements and professional competence of a prosecutor, investigator, administrative head and deputy administrative head.

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

Section II

Indicators for the General Criteria for Appraisal of a Prosecutor and Investigator

Article 22. The assessment indicators for the general criterion "legal knowledge and skills for the application thereof" shall be:

1. number of approved and annulled acts and the reasons thereof;
2. ability to apply the law and case law.

Article 23. 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 in the course of proceedings;

Article 24. 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, approved secondary legislation and instructions for work organisation within the Prosecutor's Office of the Republic of Bulgaria;
3. individual workload of the prosecutor or investigator subject to appraisal and workload compared to other prosecutors or investigators of the same body of judiciary, as well as the general workload of the respective prosecutor's office compared to the average workload of the prosecutor's offices in the country at the respective level;
4. participation in activities beyond direct official duties, such as participation in committees under the JSA, initiatives and others relevant to improving the organisation, qualification and effectiveness of the bodies of the judiciary, as well as to enhance the authority and credibility thereof.

Article 25. The assessment indicators for the general criterion "efficiency and discipline" shall be:

1. results based on inspections by the Inspectorate to the SJC, findings based on revisions and/or inspections of other control bodies;

2. incentives, penalties and measures under Article 327 JSA during the appraisal period;

3. compliance with the instructions of the administrative head in relation to his/her powers under Article 140, paragraph (2) JSA.

Article 26. The assessment indicators for the general criterion "compliance with the rules of ethical conduct" shall be:

1. results from inspections by the Inspectorate to the SJC under Section Ib of Chapter Nine JSA;
2. results from additional inspections under Section Ia, Article 175h, paragraph (5) JSA – property compliance and conflict of interest – in the case of appraisal for acquisition of status of irremovability;
3. opinions of the ethics committees for observing the Code of Ethics for Bulgarian Magistrates.

Section III

Indicators for the Specific Criteria for Appraisal of a Prosecutor

Article 27. The indicators for the specific criterion for the appraisal of a prosecutor "skills for planning and structuring pre-trial and trial proceedings" shall be:

1. timely initiation of pre-trial proceedings if there are legal grounds for doing so; fulfilment of the duties as a prosecutor-in-charge under Article 46 of the Criminal Procedure Code for: leading the investigation and exercising constant supervision of its lawful and timely conduct; carrying out investigation or separate investigative and other procedural actions; participation in court proceedings as a public prosecutor; taking measures to eliminate violations in accordance with the procedure established by the Criminal Procedure Code and exercising supervision over the lawfulness of the enforcement of coercive measures;

2. fulfilment of the duties as a prosecutor-in-charge under Article 196, paragraph (1), point (1) and (2) of the Criminal Procedure Code for ongoing monitoring and investigative guidance aimed at ensuring a full, comprehensive and objective investigation;

3. skills for clear and understandable oral justification, ability to respond adequately in a court hearing, and ability to formulate clear and legitimate evidential requests and questions.

Article 28. The indicators for the specific criterion for the appraisal of a prosecutor "execution of the written instructions of the higher-level prosecutor" shall be: strict compliance with the procedural requirements of Article 46, paragraph (3) and (4) of the Criminal Procedure Code as well as the provisions of Article 143, paragraph (5) and (6) JSA, following the instructions of the higher-level prosecutor.

Article 29. The indicators for the specific criterion for the appraisal of a prosecutor "ability for work flow organisation and management of investigation bodies and teams involved in pre-trial proceedings" shall be:

1. teamwork;
2. team management;
3. taking independent, timely and lawful decisions.

Article 30. The indicators for the specific criterion under Article 13, point (3) herein shall be:

1. total number of prosecutor's acts for solving pre-trial proceedings, including:

- indictments;
 - settlements;
 - proposals under Article 78a of the Criminal Code;
 - decisions for termination:
2. number of decisions for termination of criminal proceedings (total);
 3. number of prosecutor's acts with an effective judgement resumed for removal of procedural violations:
 - due to violation of the rights of a party in the course of the pre-trial proceedings;
 - due to deficiencies in the indictment;
 - due to a contradiction between the settlement and law;
 - due to a lack of grounds for a proposal under Article 78a of the Criminal Code;
 4. number of uncontested prosecutor's acts;
 5. number of contested prosecutor's acts:
 - for termination – out of which: approved, annulled, amended;
 - for suspension – out of which: approved, annulled;
 - for refusal – out of which: approved, annulled or amended;
 6. number of final judgements passed on the basis of acts filed in court by the prosecutor:
 - convictions;
 - acquittals;
 7. number of persons convicted through final judgements passed on the basis of acts filed in court by the prosecutor:
 8. number of protests filed with all types of supervisory departments:
 - approved;
 - not approved;
 - not considered;
 9. other effectively closed investigations based on the prosecutor's acts (total):
 - with the application of Article 218b of the Criminal Code – decision for termination and sending to an administrative body;
 - decision for termination where the victim has requested that the offender shall not be punished;
 - decision for termination as a result of the finding that the offender is a minor;
 - decision for termination as a result of the finding that the offender has acted in a state of insanity;
 10. total number of prosecutor's acts on effectively closed investigations – indictments, settlements, proposals under Article 78a of the Criminal Code and acts under point 9.

Section IV

Indicators for the Specific Criteria for Appraisal of an Investigator

Article 31. The indicators for the specific criterion for the appraisal of an investigator "skills for planning and structuring pre-trial proceedings" shall be:

1. the rhythm of investigative actions in pre-trial proceedings and investigations, and the optimal organisation of urgent investigative actions;

2. skills for correct factual assessment on the basis of objective causal links;
3. skills for timely and lawful action by the investigator as a participant in the on-duty investigation task force.

Article 32. The indicators for the specific criterion for the appraisal of an investigator "execution of the written instructions and orders of the prosecutor" shall be:

1. strict adherence to procedural requirements regarding the relations with the prosecutor;
2. skills and ability for purposeful and effective exchange of information with the prosecutor – timely notification of all material circumstances relevant to the job;
3. ability to make autonomous decisions in optimal coordination with the prosecutor on the essential circumstances for the proper conduct of pre-trial proceedings.

Article 33. The assessment indicators for the specific criterion for the appraisal of an investigator under Article 14, point 3 herein shall be the compliance of the prosecutor's acts with the investigator's opinion after the final conclusion of the investigation and the returned cases for further investigation.

Section V

Indicators for the Additional Appraisal Criteria for an Administrative Head and a Deputy Administrative Head

Article 34. The indicators for the additional criterion for the appraisal of an administrative head and a deputy administrative head "ability to work in a team and assignment of tasks within it" regarding the management and organisational competence of the person subject to appraisal, as well as his/her communication skills, shall be:

1. clearly defined strategic goals and outlined operational priorities in the work of the relevant body of the judiciary;
2. collaboration and leadership skills;
3. 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;
4. ability to optimise the allocation of responsibilities and coordination between prosecutors, investigators and staff within the body of the judiciary governed by the person subject to appraisal;
5. ability to motivate and create an atmosphere of trust among the team;
6. fairness in the evaluation of the performance and achievements of prosecutors, investigators and staff within the body of the judiciary governed by him/her;
7. timely reporting of potential conflict situations and preventing the occurrence thereof;
8. leadership qualities and skills in the performance of the managerial functions assigned to him/her;
9. ability to organise the work of investigation teams in the prosecutor's offices, as well as the regular participation of prosecutors in court hearings in accordance with the schedules;

10. fulfilment of the obligations under Article 140 JSA on the organisation, management and control of the activities of the respective prosecutor's offices.

Article 35. The indicators for the additional criterion for the appraisal of an administrative head and a deputy administrative head

"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 administrative head, 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 prosecutors, investigators and staff;
5. taking personal responsibility for decisions and measures taken in the exercise of managerial functions;
6. findings based on audit and control activities of the Inspectorate to the Supreme Judicial Council, other supervisory bodies and decisions of administrative courts regarding the administrative acts issued by the person subject to appraisal, the appropriateness, lawfulness, organisation of the performance and effectiveness thereof;
7. budget management skills.

Article 36. The indicators for the additional criterion for the appraisal of an administrative head and a deputy administrative head "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 37. The indicators for the additional criterion for the appraisal of an administrative head and a deputy administrative head "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 as well as with directly subordinate magistrates and staff.

Article 38. The indicators for the additional criterion for the appraisal of an administrative head and a deputy administrative head

"professional competence" shall be:

1. results of the activity of the respective prosecutor's office by types of supervisory departments;
2. results related to the administrative, financial and staff organisation activities of the entrusted prosecutor's office.

Chapter Five

APPRAISAL METHODS

Article 39. The appraisal of a prosecutor, investigator, administrative head and deputy administrative head shall involve:

1. a quantitative assessment – based on statistical data and comparison, juxtaposition and analysis thereof;
2. a qualitative assessment – based on a comprehensive analysis and evaluation of all the data regarding the work of the person subject to appraisal;
3. immediate observation and personal impressions;
4. an analysis of reliable written information relevant to the subject of the appraisal.

Section I

Quantitative Assessment of a Prosecutor's Performance

Article 40. (1) The quantitative assessment of the prosecutor's performance shall be based on a comparison and analysis of the following key statistics:

1. number and type of files and cases during the appraisal period, including ones assigned during a previous period and still not closed, including:

- 1.1. acts on investigation supervision files (number):
 - 1.1.1. acts for assignment of an inspection;
 - 1.1.2. acts for rendering a decision;
 - 1.1.3. decisions for refusal;
 - 1.1.4. decisions for sending to the competent authority;
 - 1.1.5. decisions for initiation of pre-trial proceedings;
 - 1.1.6. total number of prosecutor's acts on instance files: (a) ruling on refusal to initiate pre-trial proceedings; (b) ruling on termination decisions; (c) ruling on suspension decisions; (d) ruling on exclusions and withdrawals; (e) ruling on a dispute about the subject of investigation; (f) rulings on complaints and signals against decisions and actions of the prosecutor's office in the course of the pre-trial proceedings;
- 1.2. investigation actions and decisions:
 - 1.2.1. requests filed with the court:
 - (a) for approval of urgent actions performed by an investigation body; (b) for permission for actions under the Criminal Procedure Code (CrPC); (c) for disclosure of bank/tax secrecy and insurance information; (d) for restraining measures – detention in custody or house arrest; (e) for taking measures of procedural coercion; (f) requests for measures to secure confiscation implemented in another country;

(g) decisions and requests to court for securing evidence under the Recognition, Enforcement and Adjudication of Decisions for Securing Property or Evidence Act

(h) requests under Article 159a CrPC for submission of data by enterprises providing public electronic communications networks and/or services;

1.2.2. decisions/letters under Article 196 CrPC;

1.2.3. decisions on material evidence and restraining measures and other measures of procedural coercion/restraining measures;

1.2.4. decisions under Article 226, paragraph (3) CrPC;

1.2.5. decisions under Article 229, paragraph (3) CrPC;

1.2.6. investigative actions:

(a) decision to involve a person in the capacity of defendant;

(b) interviewing a defendant;

(c) interviewing a witness;

(d) assignment of an expert

assessment;

(e) confrontation;

(f) inspection, search, seizure, exhumation;

(g) dead body inspection, certification;

(h) investigation experiment;

(i) recognition of persons and items;

(j) initiating the investigation;

1.2.7. ruling on requests for an extension of the investigation period;

1.2.8. requesting an extension of the investigation period;

1.3. prosecutor's acts for rendering a decision in the pre-trial proceedings:

1.3.1. settlement;

1.3.2. proposal under Article 78a of the Criminal Code;

1.3.3. indictment;

1.3.4. decisions for termination (without those based on periods of prescription);

1.3.5. decisions for termination of the pre-trial proceedings due to prescription;

1.3.6. decisions for sending to the competent authority;

1.4. trial phase:

1.4.1. protests – appeal and cassation;

1.4.2. proposals for a court ruling under Art. 306 CrPC;

1.4.3. preparing signals for the resumption of criminal proceedings and decisions on them;

1.4.4. claims and opinions based on civil judicial supervision;

1.4.5. submitted and examined proposals based on administrative judicial supervision;

1.4.6. submitted and examined protests based on administrative judicial supervision;

1.5. execution of penalties:

1.5.1. number of convictions subject to execution submitted by the prosecutor, listed by persons;

1.5.2. decisions/proposals related to the execution of penalties:

(a) postponement of the execution of the penalty under Article 415 CrPC;

(b) parole under Article 437, paragraph (1), point (1) CrPC;

(c) proposals under Article 306, paragraph (1) CrPC and Article 70, paragraph (7) CC;

(d) cancellation of working days recognition under Article 443, point (1) CrPC;

(e) substitution of the regime of serving the term of imprisonment

- under Article 445, point (1) CrPC;
- (f) discontinuing the execution of the punishment under Article 448 CrPC;
- (g) substitution of the life imprisonment punishment under Art. 449 CrPC;
- (h) substitution of the probation punishment under Art. 451, item (1) CrPC;
- (i) recognition of detention in custody and home arrest (Article 417 CrPC);
- (j) instance rulings relating to the control of punishment implementing acts;
- 1.6. participation in court hearings on all kinds of supervision – listed by cases:
 - 1.6.1. criminal justice supervision – all, including in the pre-trial proceedings;
 - (a) restraining measure;
 - (b) others;
 - (c) hearing – based on settlement;
 - (d) hearing – at proposals under Article 78a CC;
 - (e) hearing – based on indictment;
 - (f) under the general procedure;
 - (g) under the expedited procedure;
 - (h) cumulation, Article 306 CrPC, rehabilitation;
 - 1.6.2. based on civil justice supervision;
 - 1.6.3. based on administrative justice supervision;
- 1.7. decisions raising a dispute about the subject of investigation/jurisdiction;
- 1.8. acts relating to international cooperation in criminal matters:
 - 1.8.1. requests and proposals for extradition, European arrest warrants, transfer, applications for legal aid;
 - 1.8.2. decisions for the appointment of a defence counsel, translator or interpreter;
- 1.9. submitted proposals in court under Article 83b of the Administrative Offences and Penalties Act;
- 1.10. acts for the assignment of financial inspections and/or audits;
- 1.11. administration activity:
 - 1.11.1. proposals under JSA;
 - 1.11.2. opinions under JSA;
 - 1.11.3. ruling on disciplinary files;
 - 1.11.4. organising and holding work/training sessions;
 - 1.11.5. participation in work/training sessions, meetings;
 - 1.11.6. orders (except those on staff and secondment matters) and instructions;
 - 1.11.7. opinions;
 - 1.11.8. reports/letters to other units, institutions, citizens;
 - 1.11.9. prepared internal organisational acts (regulations, rules);
 - 1.11.10. control activity by the administrative head in relation to prosecutors in the prosecutor's office and the region;
- 1.12. participation in standing appraisal committees;
- 2. in terms of timeliness:
 - 2.1. inspection term – within 3 months and over 3 months;
 - 2.2. term for solving files – resolved within one month and resolved within more than 1 month;
 - 2.3. duration of the investigation in the pre-trial phase of completed

and resolved pre-trial proceedings:

- within two months;
- completed pre-trial proceedings within an extended term – up to 6 months, up to 1 year, up to 2 years, over 2 years;
- cases without authorization to extend the term;

2.4. duration of the investigation in the pre-trial phase of open criminal proceedings (without suspended ones) – up to 1 year, up to 2 years, up to 3 years, up to 5 years, over 5 years;

2.5. time limit for pre-trial proceedings to be decided by the prosecutor following the completion of the investigation – within one month, within 2 months, over 2 months;

2.6. execution of sentences – within 5 days and over 5 days.

(2) The relevant statistical prosecutor's office report forms shall differentiate the basic statistical data relevant to the appraisal of a prosecutor under paragraph (1) according to the specifics of the activity of the individual bodies and levels of the prosecutor's office, the specialisation of the persons subject to appraisal, the types of allocated, scheduled and closed files and cases and the type of rulings.

(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 files and cases, the legal complexity and factual weight thereof and the types of rulings, taking into account the moment of allocation of the file or case to the person subject to appraisal as well as the reasons for delay.

Article 41. (1) The quantitative assessment of the investigator's performance shall be based on a comparison and analysis of the following key statistics:

1. total number of pre-trial proceedings during the appraisal period, including jobs assigned and not completed from a previous period, including:

1.1. completed cases: with decisions to hand over to the court, with decisions for termination or suspension of criminal proceedings;

1.2. number of investigation orders: assigned by a prosecutor, assigned by other investigation services, international investigation orders;

1.3. number of investigations performed and finalised based on special supervision cases;

1.4. investigative actions increasing factual complexity: proposals for an application for legal aid, use and analysis of special intelligence means, investigation experiment;

1.5. cases in the proceedings stage during the appraisal period:

(a) investigative actions and proceedings rulings (number): decision to involve a person in the capacity of defendant and indictment; appointment of a legal counsel; restraining measure; interviewing a defendant; interviewing a witness; interview before a judge; interviewing a witness with a secret identity; interviewing an undercover officer as a witness; interviewing a minor and underaged witness; videoconference interview; confrontation; assignment of expert assessment; sampling for comparative study; examination; certification; dead body inspection; exhumation; search and seizure; search; detention and seizure of correspondence; recognising persons and items; face recognition on photos; investigation experiment; appointment of a special representative; appointment of a translator, technical assistant, etc.;

actions performed with the participation of a translator; examination of material evidence; disposal of substantive evidence, voluntary surrender; forensic reports; summoning, enforcing a person to appear in the premises or searching for a person; requests for information and documents pursuant to Article 159 CrPC; decisions based on Article 218 or Article 108 CrPC; reports under Article 203 and 226 CrPC; request under Article 250c of the Electronic Communications Act; submitting the materials from the investigation; opinion on the grounds of Article 235 CrPC;

(b) requests and proposals (number): requests under the Tax and Social Insurance Procedure Code; requests for approval of urgent action by an investigator; requests to disclose bank secrecy; for detention and seizure of correspondence under Article 165, paragraph (2) CrPC; for enforcement of procedural coercive measures – Article 68, 69 and 70 CrPC; to use special intelligence means; a proposal to the Prosecutor General on the grounds of Article 62, paragraph (10) of the Credit Institutions Act; for taking measures to ensure confiscation and seizure of property in favour of the state; for disposal of material evidence; to extend the investigation period; for partial termination, division, merger of cases; to make an application for legal aid; for handing-over to the competent body; for resumption; notification of initiated pre-trial proceedings based on the first act of investigation – Article 212, paragraph (2) CrPC, proposals for a European arrest warrant or extradition;

1.6. investigation orders during the appraisal period:

(a) investigative actions and acts on assigned investigations (number): appointment of a legal counsel; interviewing a witness; interview before a judge; interviewing a witness with a secret identity; interviewing an undercover officer as a witness; interviewing a minor and underaged witness; videoconference interview; confrontation; assignment of expert assessment; sampling for comparative study; examination; certification; dead body inspection; exhumation; search and seizure; search; detention and seizure of correspondence; recognising persons and items; face recognition on photos; investigation experiment; appointment of a special representative; appointment of a translator, technical assistant, etc.; actions performed with the participation of a translator or interpreter; summoning, enforcing a person to appear in the premises; examination of substantive evidence; disposal of substantive evidence, voluntary surrender; forensic reports; requests for information and documents pursuant to Article 159 CrPC; decisions based on Article 218 or Article 108 CrPC; requests under Article 250c of the Electronic Communications Act; investigation reports;

(b) investigative actions involving the competent bodies of other countries admitted on the basis of applications for legal aid (number): appointment of a legal counsel; interviewing a witness; interview before a judge; interviewing a witness with a secret identity; interviewing an undercover officer as a witness; interviewing a minor and underaged witness; videoconference interview; confrontation; assignment of expert assessment; sampling for comparative study; examination; certification; dead body inspection; exhumation; search and seizure; search; detention and seizure of correspondence; recognising persons and items;

face recognition on photos; investigation experiment; appointment of a special representative; appointment of a translator, technical assistant, etc.; actions performed with the participation of a translator or interpreter; summoning, enforcing a person to appear in the premises; examination of substantive evidence; disposal of substantive evidence, voluntary surrender; forensic reports; requests for information and documents pursuant to Article 159 CrPC; requests for detention and seizure of correspondence under Article 165, paragraph (2) CrPC; decisions based on Article 218 or Article 108 CrPC; requests under Article 250c of the Electronic Communications Act; reports for performed/not performed investigation; investigative actions involving the competent bodies of other countries admitted on the basis of applications for legal aid; appointment of a legal counsel; interviewing a defendant; interviewing a witness; interview before a judge; interviewing a witness with a secret identity; interviewing an undercover officer as a witness; interviewing a minor and underaged witness; videoconference interview; confrontation; assignment of expert assessment; sampling for comparative study; examination; certification; dead body inspection; exhumation; search and seizure; search; detention and seizure of correspondence; recognising persons and items; face recognition on photos; investigation experiment; appointment of a special representative; appointment of a translator, technical assistant, etc.; summoning, enforcing a person to appear in the premises; examination of substantive evidence; disposal of substantive evidence, voluntary surrender; forensic reports; requests for information and documents pursuant to Article 159 CrPC; decisions based on Article 218 CrPC; requests under Article 250c of the Electronic Communications Act; investigation reports; requests filed with the court; proposals to the prosecutor: to approve urgent action taken by an investigator for disclosure of bank secrecy; to use special intelligence means; a proposal to the Prosecutor General on the grounds of Article 62, paragraph (10) of the Credit Institutions Act; for taking measures to ensure confiscation and seizure of property in favour of the state; for disposal of material evidence; to extend the investigation period;

2. adherence to deadlines:

2.1. duration of the investigation for closed cases in the pre-trial phase of the criminal proceedings:

(a) within two months;

(b) completed pre-trial proceedings within an extended period following a request to the prosecutor – completed in more than 2 months; completed in more than 6 months; completed in more than 1 one year with a charge of intentional crime; completed in more than 2 years with a charge of a serious intentional crime;

(c) cases without requested permission to extend the deadline;

2.2. duration of the investigation for open cases remaining in the proceedings phase as at the end of the appraisal period:

(a) up to 2 months;

(b) over 2 months;

(c) over 4 months;

(d) over 6 months.

(2) The relevant statistical report forms for the National Investigation Service shall differentiate the basic statistical data relevant to the appraisal of an investigator under paragraph (1) according to the specifics of the activity of the regional investigation units within regional prosecutor's offices, including the investigation units of the Sofia City Prosecutor's Office, the specialisation of the persons subject to appraisal, the types of allocated and closed cases and the type of rulings.

(3) The statistical data shall be analysed in view of the expertise of the person's activity, the type of allocated and closed cases, the legal complexity and factual weight thereof and the types of investigation performed and decisions rendered, taking into account the moment of allocation of the case to the person subject to appraisal as well as the reasons for delay, if any.

Section II

Qualitative Assessment of a Prosecutor's or Investigator's Performance

Article 42. (1) The qualitative assessment of the prosecutors' performance shall be based on a comprehensive analysis, comparison and summary of the results of the examined prosecutor's acts according to the procedures of the in-house, official and judicial control, statistics on the type and number of other acts, files and cases monitored and resolved by the person subject to appraisal through juxtaposition, comparison and analysis of data such as:

1. the relative share of annulled acts according to the procedures of the in-house, official and judicial control compared to the appealed (verified), uncontested and adjudicated prosecutor's acts on the files and criminal proceedings as well as the reasons therefor;

2. the relative share of the prosecutor's acts returned with an effective court judgement for removal of procedural violations against the submitted prosecutor's acts and the grounds therefor;

3. the relative share of acquittals and/or convictions compared to the indictments and/or proposals submitted under Article 78a of the Criminal Code and the reasons therefor;

4. number of court judgements under Article 369, paragraph (2) and (4) CrPC compared to the total number of observed proceedings and the reasons therefor;

5. number of final court judgements for termination of criminal proceedings under Article 250, paragraph (1), point (2) CrPC compared to the indictments submitted and the grounds therefor;

6. relative share of the recognised, dismissed and unconsidered protests from the total number submitted and the grounds therefor, taking into account the legal complexity and factual weight of the files and cases and the workload of the person subject to appraisal.

(2) The relevant statistical prosecutor's office report forms shall differentiate the basic statistical data relevant to the appraisal of a prosecutor under paragraph (1) according to the specifics of the activity of the individual levels of the prosecutor's office, the specialisation of the persons subject to appraisal, the types of files and cases and the types of rulings.

Article 43. (1) The qualitative assessment of investigators shall be based on juxtaposition, comparison and analysis of the results of the prosecutor's acts and on

data, such as:

1. comparability of the investigator's and prosecutor's acts:
 - (a) number of referrals to a court and the corresponding number of indictments;
 - (b) number of termination opinions and the corresponding number of termination decisions;
 - (c) number of suspension opinions and the corresponding number of suspension decisions;
 2. number of cases returned for further investigation.
- (2) The relevant statistical report forms for the National Investigation Service shall differentiate the basic statistical data relevant to the appraisal of an investigator under paragraph (1) according to the specifics of the activity of the regional investigation units within regional prosecutor's offices, including the investigation units of the Sofia City Prosecutor's Office and the Specialised Prosecutor's Office, the specialisation of the persons subject to appraisal, the types of allocated and closed cases and the types of rulings.

Section III

Assessment of a Prosecutor or an Investigator Based on Immediate Observation and Personal Impressions

Article 44. (1) Immediate observation shall be based on a thorough examination of the initiation, movement, completion and the quality of the acts rendered on specific files and cases determined as follows:

1. indicated by the person subject to appraisal – at least 5 files and 5 cases;
 2. at random – at least 5 files and 5 cases;
 3. officially requested by the appraisal committee – at least 10 files and 10 cases.
- The immediate observation shall take into account the specificity and the number of files and cases on which the person subject to appraisal has worked.

(2) The appraisal bodies may also form a direct impression of the performance of the persons subject to appraisal by attending court hearings with their participation (if they are held at the time of the examination), by discussing with the person subject to appraisal issues related to the personal motivation and self-assessment of professional development in order to draw conclusions about the need and direction for further development of his/her professional skills and competences.

(3) The appraisal bodies may also discuss issues related to the subject of appraisal with judges or investigation bodies.

Section IV

Assessment by Analysis of Reliable Written Information on the Activity

Article 45. (1) The activity of a prosecutor or investigator shall also be assessed by an analysis of the facts established in the context of any reliable written information relevant to the appraisal.

- (2) Reliable written information shall be:
1. staff report for the magistrate;
 2. annually summarised and reasoned written opinions by the respective administrative head on the professional development of the person subject to appraisal on the basis of Part III of the Uniform Appraisal Form prepared annually, as well

as in respect of the implementation of the individual professional development plan, if any;

3. report from the Unified Information System (UIS) on the individual workload of the prosecutor;
4. report from the UIS on the workload of the body where the person subject to appraisal works and the average workload of a prosecutor in it;
5. report from the UIS for the actions performed by the investigator;
6. data excerpt from the registry of the duration of investigation – from the website of the Prosecutor's Office of the Republic of Bulgaria (PORB) – regarding the duration of the investigation on incomplete pre-trial proceedings, incomplete preliminary inspections and cases not resolved by the prosecutor;
7. data from annual PORB analyses on the percentage of returns and acquittals within the bodies listed by level (district and regional prosecutor's offices);
8. annual activity reports of the relevant body of the judiciary;
9. audit acts in the body where the person subject to appraisal works;
10. acts from inspections in the body where the person subject to appraisal works or based on the activity of the magistrate him/herself – by the ISJC or by the Inspectorate to the Supreme Prosecutor's Office of Cassation;
11. results of ISJC inspections under Section Ib of Chapter 9 JSA and the additional inspections under Section Ia, Article 175h *ibid.*;
12. information by the professional ethics committee of the relevant body and by the Professional Ethics Committee to the Prosecutor's College of the Supreme Judicial Council;
13. opinions by the National Institute of Justice;
14. opinions of the relevant standing committees to the Prosecutor's College of the Supreme Judicial Council on the activity of the person subject to appraisal in permanent appraisal committees;
15. information on participation in additional professional training for improving their qualification, in events raising the authority of the judiciary, etc.;
16. written materials certifying the participation of the persons subject to appraisal in qualification courses of the National Institute of Justice beyond the statutory requirements.

Section V

Assessment of an Administrative Head and a Deputy Administrative Head

Article 46. (1) The assessment of an administrative head and deputy administrative head shall adopt all methods of appraisal according to Article 39 herein.

(2) The assessment of an administrative head and deputy administrative head 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 his/her activity, as well as any other information relevant to the appraisal.

(3) The immediate observation of an administrative head and

deputy administrative head shall take place through gaining impressions of the managerial decisions taken by the person subject to appraisal to improve the activity of the prosecutor's office they are in charge of; organisational reforms undertaken; actions to improve the facilities and working conditions for magistrates and staff; actions for an adequate and fair allocation of work within the relevant prosecutor's office; 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 an administrative head and a deputy administrative head.

(4) The appraisal of an administrative head and a deputy administrative head 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.

Chapter Six

MEASURING THE WORKLOAD OF A PROSECUTOR, INVESTIGATOR, ADMINISTRATIVE HEAD AND DEPUTY ADMINISTRATIVE HEAD

Article 47. (1) Measuring the workload aims to ensure fairness of the assessment in view of the actual volume of work implemented by the person subject to appraisal.

(2) The assessment shall take into account the actual workload of the relevant body of the judiciary as well as the individual workload of the prosecutor, investigator, administrative head, deputy administrative head and head of department subject to appraisal.

(3) The workload of the respective body of the judiciary shall be compared to the workload of the bodies of the same type and level, and the individual workload of the person subject to appraisal shall be compared to the workload benchmark and the workload of other prosecutors or investigators from the same body of the judiciary.

(4) The criteria for determining the individual workload shall be:

- working days during the appraisal period;
- actual days of work;
- total workload in number of acts;
- workload in number of acts with a weight indicator 1;
- average daily workload in number of acts with a weight indicator 1.

(5) The determination of the workload of the administrative head, the deputy administrative head and the head of department shall also include indicators related to the administrative and managerial activity of the person subject to appraisal.

(6) The measurement of the workload under paragraphs 1-5 shall be performed according to the Rules for Measuring the Workload of Prosecutor's Offices and the Individual Workload of Each Prosecutor and Investigator, adopted by the Supreme Judicial Council.

Chapter Seven

Section I

Competent Bodies, Appraisal Period and Procedures

Article 48. (1) The appraisal of a prosecutor, investigator, administrative head and deputy administrative head shall be based on:

1. a proposal by the prosecutor or investigator concerned;
2. proposal of the respective administrative head according to the competencies under Article 38, paragraph (3) JSA.

(2) Proposals for preliminary appraisal under Article 196, point (1) JSA shall be made to the Committee on Appraisals and Competitions not later than 3 months before the expiration of the three-year term as of the date of taking office, and for junior prosecutors and investigators – not later than 3 months before entry into office as a prosecutor or investigator.

(3) The appraisal proposal for the acquisition of status of irremovability shall be submitted to the Committee on Appraisals and Competitions to the Prosecutors' College not later than 3 months before the expiration of the 5-year term as of the date of taking office.

(4) Every subsequent appraisal period shall begin after the end of the statistical period from the previous appraisal, regardless of the date of the decision of the Supreme Judicial Council or the Prosecutors' College through which the comprehensive assessment for the previous appraisal has been adopted.

(5) The Committee on Appraisals and Competitions shall commence the periodic appraisal not later than six months before the expiration of the five-year term from the period of acquisition of status of irremovability or the previous periodic appraisal.

(6) In cases where the person subject to appraisal was absent from work due to paid/unpaid leave, official leave, leave due to temporary disability, leave due to pregnancy, childbirth and adoption, or other statutory leave, the appraisal shall be performed for a period during which the person has actually worked, but not less than 2 years.

(7) When the magistrate has been seconded to international institutions during the period of appraisal, account shall be taken of the data and/or opinion of the body or international institution where he/she was employed during the secondment.

(8) The appraisal period shall also include the time served as a permanent lecturer at the National Institute of Justice. In such cases, the assessment of the performance as a lecturer shall be given by the Management Board.

(9) Where the person subject to appraisal has been 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 magistrate's appraisal.

(10) The Committee on Appraisals and Competitions shall suspend the appraisal procedure in case criminal proceedings have been instituted or the person has been temporarily suspended from office by a decision of the Prosecutors' College.

Section II

Powers of the Committee on Appraisals and Competitions

Article 49. (1) The Committee on Appraisals and Competitions to the Prosecutors'

College of the SJC shall perform:

1. preliminary appraisal of junior prosecutors and junior investigators;
2. an appraisal for the acquisition of status of irremovability for a prosecutor or investigator;
3. periodic appraisal of a prosecutor in an appellate prosecutor's office, an investigator in a regional investigation unit, the administrative heads and their deputies outside the Supreme Prosecutor's Office of Cassation, the Supreme Administrative Prosecutor's Office and the National Investigation Service;
4. extraordinary appraisal:
 - (a) where a prosecutor or an investigator participates in a competition for a promotion or transfer as a judge at the Supreme Court of Cassation, a judge at the Supreme Administrative Court, a prosecutor at the Supreme Prosecutor's Office of Cassation, a prosecutor at the Supreme Administrative Prosecutor's Office and an investigator at the National Investigation Service;
 - (b) where a prosecutor or an investigator stands for election for an administrative head of an appellate court, an appellate prosecutor's office, a president of the Supreme Court of Cassation, a president of the Supreme Administrative Court, a prosecutor general and a director of the National Investigation Service;
 - (c) at the proposal of the Inspectorate to the Supreme Judicial Council, after an inspection has been performed and negative findings have been established on the performance of the investigated prosecutor or investigator;
 - (d) upon completion of 8 years of service for investigators under Article 163, point (3) JSA; only investigators who have received a positive comprehensive assessment "Very good" shall receive the full amount of remuneration for an investigator in a regional investigation unit.

(2) In the cases under paragraph 1, at the proposal of the chairperson of the Committee on Appraisals and Competitions, the Commission may, by a decision, assign an inspection of the activity of the person subject to appraisal to one or more of its members, observing the principle of random selection.

(3) A member of the Committee on Appraisals and Competitions shall not be entitled to participate in the appraisal and 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.

(4) In the event of a withdrawal and in the presence of the circumstances under paragraph 3, the Committee on Appraisals and Competitions shall make a decision.

Section III

Number, Composition and Powers of the Standing Appraisal Committees to the Appellate Prosecutor's Offices

Article 50. (1) Standing appraisal committees shall be set up at the appellate prosecutor's offices, which shall be auxiliary bodies of the Committee on Appraisals and Competitions to the Prosecutors' College.

- (2) Standing appraisal committees shall assist the Committee on Appraisals and Competitions

and shall participate in: the appraisal of prosecutors at the district prosecutor's office, prosecutors at the regional prosecutor's office and military investigators from the appellate district.

(3) In the cases under paragraph 2, the Committee on Appraisals and Competitions shall assign to the relevant standing appraisal committee to perform an inspection of the performance of the person subject to appraisal for the relevant period in accordance with the appraisal criteria and indicators regulated by the Judiciary System Act and this Ordinance.

(4) Appraisal of seconded prosecutors shall be performed by a standing appraisal committee formed in the respective appellate prosecutor's office, in whose district the magistrate is appointed. The Appraisal Board shall request from the body where the magistrate subject to appraisal has been seconded, documents, statistical information and completed Part III of the Uniform Appraisal Form for the period of secondment.

Article 51. (1) The standing appraisal committees at the appellate prosecutor's offices shall consist of 3 regular members and 2 secondary members.

(2) A member of the standing appraisal committees may be a prosecutor of high professional and moral qualities, with a status of irremovability, a positive comprehensive assessment of the last periodic appraisal "very good", and who hasn't been imposed any of the disciplinary penalties under Article 308, paragraph (1), point (3), (4), (5) or (6) JSA with an effective judgement in the last 5 years. An administrative head may not be involved in the standing appraisal committee.

(3) The members of the standing appraisal committees shall be elected by the prosecutor's meeting at the relevant appellate prosecutor's office and the prosecutor's meetings at the regional prosecutor's offices in the same appellate area among the prosecutors at the respective appellate prosecutor's office.

(4) The term of the members of the standing appraisal committees shall be two years. They may not be elected for more than two consecutive terms. The meetings for the election of members of the standing appraisal committees under paragraph 3 shall be held not later than 2 months before the expiration of the term.

(5) The term of a member of a standing appraisal committee shall be terminated earlier in case of:

1. leaving the relevant body of the judiciary;
2. imposing disciplinary punishment under Article 308, paragraph (1), point (3), (4), (5) or (6) JSA with an effective decision;
3. appointment as an administrative head.

(6) In the event of early termination of office as well as impossibility to perform the functions of a member of a standing appraisal committee, a general meeting shall be held for the election of a new member of the respective standing appraisal committee under the conditions of paragraph 3. The term of the newly elected member shall be until the end of the term of the standing appraisal committee.

(7) For the period as a member of a standing appraisal committee, the participating prosecutor shall work with a reduced workload, but not less than 50%, and participation in a standing appraisal committee shall also be accounted for in his/her appraisal. The workload of the members of the standing appraisal committee shall be determined by an order of the respective appellate prosecutor according to the number of the upcoming

appraisals of prosecutors from the respective district and regional prosecutor's offices within their term.

Article 52. (1) Each standing appraisal committee shall elect a chairperson among its members.

(2) An exclusion or withdrawal of a member of the standing appraisal committee may be made by the prosecutor subject to appraisal or by a member of the standing appraisal committee within 3 days from the notification of opening of the appraisal procedure in the presence of the circumstances under Article 49, paragraph 3 herein.

(3) The administrative head shall announce a decision on the exclusion/withdrawal. In case the exclusion/withdrawal is approved, a secondary member shall be assigned to the position of the dismissed member of the standing appraisal committee for the purposes of the particular appraisal.

Article 53. (1) The standing appraisal committee shall perform an inspection of the activity of the person subject to appraisal according to the criteria and indicators regulated by the JSA and this Ordinance, it shall establish and analyse the data, prepare the Uniform Appraisal Form and make a proposal to the Committee on Appraisals and Competitions for a comprehensive assessment.

(2) The inspection shall be performed within 3 months from receipt of the notice of opening the appraisal procedure by the Committee on Appraisals and Competitions.

Section IV

Inspection of the Activity of a Prosecutor, Investigator, Administrative Head and Deputy Administrative Head

Article 54. (1) During the appraisal, the Committee on Appraisals and Competitions and the standing appraisal committees shall have access to all information concerning the person subject to appraisal, shall perform an examination of the file books, records for implemented procedural actions, as well as the acts rendered during the appraisal period. They may hear the person subject to appraisal and collect other additional information on the appraisal criteria.

(2) The relevant administrative heads shall immediately provide the competent appraisal bodies with the necessary information on the activities of the person subject to appraisal, namely:

1. staff report, annually summarised and reasoned written opinions by the respective administrative head on the basis of Part III of the Uniform Appraisal Form prepared annually, as well as in respect of the implementation of the individual professional development plan, if any, and those shall be presented to the person subject to the appraisal;

2. information relevant to Part III of the Uniform Appraisal Form; when, during the appraisal period, the magistrate has worked in different bodies of the judiciary, a consolidated Part III shall be drawn up by the body where the person is appointed and shall be presented to him/her;

3. report from the UIS on the individual workload of the person subject to appraisal;

4. report from the UIS on the workload of the body where the person subject to appraisal works and the average workload of a prosecutor in it;

5. on the principle of random selection – 5 copies of decisions of refusal, initiation, termination, an indictment;

6. in the presence of files settled outside the statutory time – a report;
7. copies of all annulled acts on files and pre-trial proceedings (chronologically, the annulled act, the annulment act and the subsequent acts for resolving the file/pre-trial proceedings, if no subsequent act has been rendered on the merits – stating the reason for this – non-completion of the inspection/investigation);
8. copies of all pre-trial proceedings returned to the prosecutor (prosecutor's act, court judgement for return, the subsequent act and the final act for resolution of the pre-trial proceedings (if different from the subsequent act));
9. copies of all effective acquittals, together with the reasons;
10. on the principle of random selection – 5 copies of records of court hearings on various criminal cases of general nature containing pleadings of the prosecutor;
11. a copy of the findings or a report on planned inspections performed by the Inspectorate to the SJC for the relevant body of the judiciary as well as inspections carried out on signals concerning the magistrate subject to appraisal;
12. a copy or a report of incentive and penalty orders;
13. an opinion of the professional ethics committee to the relevant body and, where the person subject to appraisal worked in different bodies of the judiciary for more than 6 months – opinions from each body;
14. for the administrative head and deputy administrative head – report on the number of administrative and organisational files for the appraisal period (orders, analyses, reports, opinions, JSA proposals, financial and accounting documents, etc.) or an UIS extract on his/her administrative activity and workload, as well as a copy or report on audits performed by the higher-level prosecutor's office;
15. for junior prosecutors and junior investigators as well as for the initially appointed officers – assessment by the administrative head regarding the legal training, professional competence and skills of the person subject to appraisal, as well as an opinion by the appointed mentor or a copy of the assessment reports prepared under the Rules of Procedure for Mentor Prosecutors.

(3) The credibility of the information provided to the competent appraisal bodies on the activity of the person subject to appraisal, including the UIS data, shall be guaranteed by the head of the body which has provided them (attached to the appraisal) and, in respect of information on the behaviour of the person – by the members of the relevant professional ethics committee.

(4) After the preparation of Part III of the Uniform Appraisal Form, it shall be provided to the person subject to appraisal who may, within three days, make a statement and indicate additional data, including for activities outside direct prosecutor's duties.

Article 55. (1) The standing appraisal committee shall prepare 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 inspection.

(3) The content of the report shall include an analysis of objective data, facts and circumstances

about the activity of the person subject to appraisal, acquired by applying the appraisal methods, as well as an analysis on the implementation of the recommendations from the previous appraisal. Following a comprehensive assessment of the data and the findings on the appraisal indicators, the appraisal committee shall reason in detail the scores on each individual criterion, outline conclusions and recommendations and formulate its proposal for a comprehensive assessment.

(4) After the summary report has been prepared, the appraisal committee shall provide it to the person subject to appraisal.

(5) The person subject to appraisal may express an opinion or object to the appraisal committee within 3 days.

(6) Where the appraisal committee does not admit the objection under paragraph 5, it shall draw up an opinion on it. The objection and the opinion, together with the Uniform Appraisal Form and the materials thereto, shall be sent to the Committee on Appraisals and Competitions.

(7) After becoming familiar with the report of the appraisal committee, the Committee on Appraisals and Competitions may return the file to the appraisal committee for correction of incomplete data only when the Committee on Appraisals and Competitions is unable to correct them on its own or to hear the person subject to appraisal, and, through its own methods, to collect any additional information on the appraisal indicators.

Chapter Eight

ASSESSMENT MECHANISM

Section I

Assessment Stages

Article 56. The assessment of the qualifications, achievements and professional competence of a prosecutor, investigator, administrative head and deputy administrative head for the appraisal period shall include four stages:

1. presentation of verbal findings, comments and conclusions 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 on each individual appraisal criterion on the basis of the findings, comments and conclusions on the relevant criterion;

3. determination of an overall score for each criterion representing the product of the numerical assessment of the criterion and the relevant weighting factor of the relevant criterion under Article 59-62;

4. formation of a comprehensive verbal appraisal assessment representing the verbal expression of the numerical value of the quotient obtained by dividing the sum of the scores under point 3 by the sum of the weighting factors of the criteria referred to in Article 63, paragraph 2, points 1 to 3.

Numerical assessment of appraisal criteria

Article 57. (1) The assessment by individual criteria shall be a numerical expression of

the summarised findings, comments and conclusions on the performance of the relevant indicators for each criterion.

(2) The specific positive or negative findings, comments and conclusions on appraisal indicators shall determine whether the score shall be increased or decreased accordingly.

(3) The general, specific and additional appraisal criteria shall be assessed on a five-point scale (as an integer). The scores in ascending order shall be:

1. poor – 2;
2. satisfactory – 3;
3. good – 4;
4. very good – 5.

Overall score

Article 58. The overall score by individual criteria shall be a numerical expression of the product of the numerical score for each criterion and the corresponding weighting factor of the criterion.

Article 59. The factors for the general criteria for the appraisal of a prosecutor, investigator, administrative head and deputy administrative head shall be:

1. legal knowledge and skills for the application thereof – 1.75;
2. ability to analyse legally relevant facts – 1.75;
3. ability to optimise work organisation – 1;
4. efficiency and discipline – 0.5;
5. compliance with the rules of ethical conduct – 0.5.

Article 60. The factors for the specific criteria for the appraisal of a prosecutor shall be:

1. skills for planning and structuring pre-trial and trial proceedings – 0.75;
2. execution of the written instructions and orders of the higher-level prosecutor – 0.5;
3. ability for work flow organisation and management of investigation bodies and teams – 0.5;
4. number of uncontested prosecutor's acts, including decisions for termination and suspension of the criminal proceedings, number of final judgements passed on the basis of acts submitted by the prosecutor subject to appraisal, as well as the final judgements for the resumption of cases for the removal of procedural violations and the reasons thereof, number of approved protests, confirmed, amended and annulled prosecutor's acts during instance and official control – 1.75.

Article 61. The factors for the specific criteria for the appraisal of an investigator shall be:

1. skills for planning and structuring pre-trial proceedings – 0.5;
2. execution of the written instructions and orders of the prosecutor – 0.5;
3. compliance of the prosecutor's acts with the investigator's opinion following the final closure of the investigation and the cases resumed for further investigation – 1.5

Article 62. (1) The factors for the additional criteria for the appraisal of an administrative head and a deputy administrative head shall be:

1. ability to work in a team and assignment of tasks within it – 1.5;
2. ability to make correct managerial decisions – 1.5;
3. conduct that raises the authority of the judiciary – 0.5;
4. ability to communicate with other state authorities, citizens and legal entities – 0.5;
5. professional competence – 1.

Comprehensive assessment

Article 63. (1) The comprehensive assessment of the appraisal shall be the verbal summary of the qualifications, achievements and professional competence of the respective magistrate, administrative head or deputy administrative head.

(2) The comprehensive assessment of the appraisal shall be a verbal expression of the numerical value under Article 56, point 4, resulting from the sum of the scores for each of the individual appraisal criteria divided by the sum of the weighting factors applicable to the type of appraisal as follows:

1. appraisal of prosecutors – 9;
2. appraisal of investigators – 8;
3. appraisal of administrative heads and deputy administrative heads – 14.

(3) The comprehensive verbal assessment shall be formed according to the numerical assessment under paragraph 1.

Article 64. (1) Where the numerical assessment obtained under Article 56, point 4 is up to 3.00 inclusive, with findings of "unacceptable performance" by the person subject to appraisal, a "negative" comprehensive assessment shall be prepared.

(2) Where the numerical assessment obtained under Article 56, point 4 is from 3.01 to 3.49 inclusive, with findings of "satisfactory performance" by the person subject to appraisal, a "satisfactory" comprehensive assessment shall be prepared.

(3) Where the numerical assessment obtained under Article 56, point 4 is from 3.50 to 4.49 inclusive, with findings of "adequate performance for the position" by the person subject to appraisal, a "good" comprehensive assessment shall be prepared.

(4) Where the numerical assessment obtained under Article 56, point 4 is from 4.50 to 5.00 inclusive, with findings of "very good performance" by the person subject to appraisal, a "very good" comprehensive assessment shall be prepared.

Article 65. (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 competence 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 competence 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 performs his/her job effectively and in good faith, at the level of the requirements for the position without exceeding them, and possesses the necessary qualification, achievements and professional competence 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 a very good qualification, achievements and professional competence for the respective position under Article 163 JSA or the relevant management or administrative position.

Section II

Completion of the Appraisal – preparation and adoption of the comprehensive assessment

Article 66. (1) The Committee on Appraisals and Competitions shall prepare a comprehensive assessment which may be positive or negative.

(2) The degrees of positive comprehensive assessment shall be:

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

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

(4) At the initiative of the prosecutor or investigator subject to appraisal, if, within the appraisal procedure, specific needs or the need for further development of his/her professional skills are established officially, the Committee on Appraisals and Competitions shall develop and implement, with the participation of the respective prosecutor or investigator, individual plans for his/her professional development, the implementation of which shall be assisted by the National Institute of Justice.

Article 67. (1) The Committee on Appraisals and Competitions shall provide the comprehensive assessment to the person subject to appraisal who may, within a 7-day period, lodge a written objection before the Supreme Judicial Council's Prosecutors' College.

(2) In case of objection, the Prosecutors' 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) Where the objection concerns technical errors, incomplete information or statistical errors, the Committee on Appraisals and Competitions may itself correct the Uniform Appraisal Form on the basis of additional information gathered on the appraisal indicators, without complying with the procedure of paragraph 2.

(4) The Prosecutors' College may:

1. reject the objection if it is unjustified;
2. approve the objection.

(5) Where the College rejects the objection, the comprehensive assessment proposed by the Committee on Appraisals and Competitions

shall be adopted by an official decision.

(6) Where the College approves the objection, it shall return the file to the Committee on Appraisals and Competitions for a new comprehensive assessment.

(7) When a new comprehensive assessment has been prepared by the Committee on Appraisals and Competitions following an approved objection under paragraph 6, the procedure for new objection and hearing under Article 205, paragraph (1) and (2) JSA shall not be applicable. In this case, the Prosecutors' College shall directly announce a decision for the completion of the appraisal proceedings.

(8) A decision of the Prosecutors' 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 68. (1) The comprehensive assessment of the appraisal together with the recommendations to the person subject to appraisal shall be adopted by a decision of the Supreme Judicial Council's Prosecutors' College.

(2) Where the Prosecutor's College does not accept the proposed comprehensive assessment, it shall return the proposal to the Committee on Appraisals and Competitions for a new appraisal and/or a new comprehensive assessment.

(3) The decision of the Prosecutors' College shall be announced on the Supreme Judicial Council's website.

Section III

Appraisal for Acquiring Status of Irremovability

Article 69. (1) The appraisal for the acquisition of status of irremovability shall be performed according to the criteria and indicators defined herein. The assessment shall include all methods of appraisal according to Article 39 herein.

(2) The Committee on Appraisals and Competitions shall prepare a comprehensive assessment within one month of receipt of the proposal.

(3) In case of appraisal for the acquisition of status of irremovability, the results of the preliminary appraisal of a prosecutor or investigator shall also be taken into account.

(4) The comprehensive assessment shall be provided to the person subject to appraisal, who may file a written objection before the Supreme Judicial Council's within 7 days. In case an objection has been filed, the provisions of Article 67 shall be applied.

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

(6) The decision of the Prosecutors' College shall be announced on the Supreme Judicial Council's website.

Chapter Nine

UNIFORM APPRAISAL FORM

Article 70. The Uniform Form shall include:

1. Part I – Staff report;
2. Part II – Cases examined, court hearings attended, discussions, valid written information used;
3. Part III – Indicators for the general and specific criteria for appraisal of a prosecutor and investigator;
4. Part VI – Numerical assessments according to the general criteria for appraisal of a prosecutor,

investigator, administrative head and deputy administrative head;

5. Part V – Numerical assessments according to the specific criteria for the appraisal of a prosecutor, investigator, administrative head and deputy administrative head;

6. Part VI – Numerical assessments according to the additional criteria for a managerial position;

7. Part VII – Summary report for a comprehensive assessment;

8. Part VIII – Proposal for a comprehensive assessment;

9. Part IX – Final proposal for a comprehensive assessment.

ADDITIONAL PROVISIONS

§ 1. For the purposes of this Ordinance:

1. "Appraisal bodies" shall be the Committee on Appraisals and Competitions to the Prosecutors' College of the SJC and the standing appraisal committees at the appellate prosecutor's offices.

2. "Person subject to appraisal" shall be: junior prosecutor, junior investigator, prosecutor, investigator, administrative head, and deputy administrative head.

§ 2. Abbreviations:

JSA – Judiciary System Act;

CrPC - Criminal Procedure Code;

TSIPC – Tax and Social Insurance Procedure Code;

CC – Criminal Code;

READSPEA – Recognition, Enforcement and Adjudication of Decisions for Securing Property or Evidence Act;

CIA – Credit Institutions Act;

ISJC – Inspectorate to the Supreme Judicial Council;

ISPOC – Inspectorate to the Supreme Prosecutor's Office of Cassation;

BJ – body of the judiciary;

PTP – pre-trial proceedings;

TRANSITIONAL AND FINAL PROVISIONS

§ 3. 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.

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

§ 5. 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.

§ 6. The annex shall be an integral part of this Ordinance – a Uniform Appraisal Form for a prosecutor, investigator, administrative head and deputy administrative head.

Presiding SJC: **Svetla Petkova**

**UNIFORM APPRAISAL FORM FOR A PROSECUTOR, INVESTIGATOR,
ADMINISTRATIVE HEAD AND DEPUTY
ADMINISTRATIVE HEAD**

**Part I
Staff report**

Personal data (full name)	
Date and place of birth	
PIN	
Telephone, e-mail	
Higher education diploma in Law No.....issued on (date) by (university)	
Certificate of Competence, No. and date	
Body of the judiciary	
Position (including administrative position under Art. 172 JSA)	
Legal experience: - within a body of the judiciary (indicate every position and duration thereof within 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	
Grounds for appraisal	

Part II

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

	<i>Cases examined:</i>
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	<i>Court hearings attended:</i>
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	<i>Discussions:</i>
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	<i>Valid written information:</i>
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Opinion of the mentor prosecutor/ investigator	
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Data submitted by the person subject to appraisal	
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Note:

1. Data are automatically retrieved from UIS.
2. The "Administrative and management activity" column shall be filled in for magistrates holding the positions "administrative head" and "deputy administrative head".

3.	Compliance with deadlines					
	3.1.	Terms of personal and preliminary inspections/Terms of inspections				
		within 3 months		over 3 months		
		Terms of resolving files on personal and preliminary inspections/Terms of resolving files				
		Within 1 month		Over 1 month		
	3.2	Duration of the investigation in the pre-trial phase of completed and resolved PTP				
		within 2 months	completed PTP within an extended term			cases without authorisation to extend the term
			up to 6 months	up to 1 year	up to 2 years	
		Duration of the investigation in the pre-trial phase of open criminal proceedings /excl. suspended ones/ – data are retrieved from the register of open CP within PORB and the columns should be in compliance with the register				
		up to 1 year	up to 2 years	up to 3 years	up to 5 years	more than 5 years
		Term for resolving CP by the prosecutor in substance /excl. suspended ones/ following the completion of the investigation				
	Within 1 month	Within 2 months		Over 2 months		
3.3.	Execution of sentences					
	Within 5 days		Over 5 days			

Note: In case the prosecutor has announced a substantive act outside the scope of the statutory 1-month period – an extract from UIS should be enclosed

4. Acts on files and criminal proceedings					
4.1. Acts on files – total number					
year	Uncontested	Appealed	Confirmed	Annulled in whole	Amended
4.2. Acts on criminal proceedings – total number					
year	Uncontested	Appealed	Confirmed	Annulled in whole	Amended
4.3. Acts returned to the prosecutor by the court – total number					
year	Filed indictments	Filed settlements (only those rejected by the court due to non-compliance with the law or ethics)	Filed proposals under Art. 78a CC		

4.4. Submitted protests on all types of supervision – number			
year	Approved	Not approved	Not considered
4.5. Number of final court judgements passed on the basis of acts filed by the prosecutor			
year	Acquittals	Convictions	Number of convicted persons

Note: A short description of the following should be provided:

- *the factual and legal grounds for annulment of decisions on files and criminal proceedings;*
- *the factual and legal grounds for returning the acts filed in court by the prosecutor;*
- *the factual and legal grounds of the court for rendering acquittals.*

5.	Short description of cases with factual and legal complexity (all established ones should be indicated regardless of the resource – opinion of the administrative head, incentive order, etc.)

6.	Presenting the data indicated in Part III to the person subject to appraisal and providing an opinion, including additional activities beyond immediate prosecutor duties

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Note:

1. Data in Table 2 are automatically retrieved from UIS;
2. The "Administrative and management activity" column shall be filled in for magistrates holding the position "head of regional investigation unit".

3.	Compliance with deadlines				
3.1	Duration of the investigation for closed cases in the pre-trial phase of the criminal proceedings – number				
	within 2 months	Completed PTP within an extended term following the prosecutor's permission			Cases without requested permission to extend the term
		Over 2 months	Over 6 months	Over 1 year with a charge of an intentional crime	
3.2	Duration of the investigation for open cases remaining in the proceedings phase as at the end of the appraisal period				
	up to 2 months	over 2 months	over 4 months	over 6 months	

4.	Number of approved and annulled acts and the reasons thereof			
4.1	Acts on closed investigation cases/prosecutor's files			
	Acts by the investigator	num ber	Acts by the prosecutor	num ber
4.2	Acts by the investigator and the prosecutor that are fully comparable			
	Acts by the investigator	num ber	Acts by the prosecutor	num ber
	Opinion to hand-over to court		Indictment	
	Opinion for termination		Decision for termination	
	Opinion for suspension		Decision for suspension	

Note: In the cases where there is a discrepancy between the acts of the investigator and the acts of the prosecutor, the reasons and/or the grounds for this shall be indicated here, and the act rendered by the prosecutor on the basis of the acts that were not in compliance.

5.	Number of cases subject to further investigation/removal of substantial procedural violations	
	With instructions by the prosecutor	
	number	reasons

6.	Short description of cases of large volume and legal and factual complexity indicated by the person subject to appraisal

7.	Presenting the data indicated in Part III to the person subject to appraisal and providing an opinion, including additional activities beyond immediate duties
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PART IV
Numerical assessments according to the general criteria for
appraisal of a prosecutor, investigator, administrative head
and deputy administrative head

No.	Appraisal criteria	Weighting factor of the criterion in the overall appraisal assessment	Assessment	Score	Findings, comments and conclusions
1.	Legal knowledge and skills for the application thereof: <ul style="list-style-type: none"> - number of approved and annulled acts and the reasons thereof; - ability to apply the law and case law. 	1.75			
2.	Ability to analyse legally relevant facts: <ul style="list-style-type: none"> - understandable and reasoned grounds for the judgements; - correct and lawful assessment of the relevant facts and circumstances in the course of proceedings; 	1.75			
3.	Ability to optimise work organisation: <ul style="list-style-type: none"> - number and type of files and cases; - adherence to deadlines; - workload; - participation in other activities. 	1			

4.	Efficiency and discipline: <ul style="list-style-type: none"> - results of inspections by ISJC, audits and other inspections; - incentives, penalties, measures under Art. 327 JSA; - compliance with the instructions of the administrative head in relation to his/her powers under Art. 140, paragraph (2) JSA. 	0.5			
5.	Compliance with the rules of ethical conduct: <ul style="list-style-type: none"> - results from inspections by the Inspectorate to the SJC under Section Ib of Chapter Nine JSA; - results from additional inspections under Section Ia, Art. 175h, paragraph (5) – property compliance and conflict of interest – in the case of appraisal for acquisition of status of irremovability - opinions of the ethics committees for observing the Code of Ethics for Bulgarian Magistrates. 	0.5			

PART V
Numerical assessments according to the specific criteria for
appraisal A. Prosecutors

No.	Appraisal criteria	Weighting factor of the criterion in the overall appraisal assessment	Assessment	Score	Findings, comments and conclusions
1.	<p>Skills for planning and structuring pre-trial and trial proceedings:</p> <ul style="list-style-type: none"> - timely initiation of pre-trial proceedings if there are legal grounds for doing so; fulfilment of the duties as a prosecutor-in-charge under Art. 46 CrPC for: leading the investigation and exercising constant supervision of its lawful and timely conduct; carrying out investigation or separate investigative and other procedural actions; participation in court proceedings as a public prosecutor; taking measures to eliminate violations in accordance with the procedure established by the Criminal Procedure Code and exercising supervision over the lawfulness of the enforcement of coercive measures; - fulfilment of the duties as a prosecutor-in-charge under Art. 196, paragraph (1), point (1) and (2) CrPC for ongoing monitoring and investigative guidance aimed at ensuring a full, comprehensive and objective investigation; - skills for clear and understandable oral justification, ability to respond adequately in a court hearing, and ability to formulate clear and legitimate evidential requests and questions. 	0.75			

2.	<p>Execution of the written instructions and orders of the higher-level prosecutor;</p> <ul style="list-style-type: none"> - strict adherence with procedural requirements under Art. 143, paragraph (5) and (6) JSA regarding the relations with the higher-level prosecutor. 	0.5			
3.	<p>Ability for work flow organisation and management of investigation bodies and teams involved in pre-trial proceedings:</p> <ul style="list-style-type: none"> - teamwork; - team management; - taking independent, timely and lawful decisions. 	0.5			
4.	<p>Number of uncontested prosecutor's acts, number of final judgements passed on the basis of acts rendered and submitted by the prosecutor subject to appraisal, as well as the final judgements for returning cases for the removal of procedural violations and the reasons thereof; number of approved protests, confirmed, amended and annulled prosecutor's acts during instance and official control.</p>	1.75			

B. Investigators

No.	Appraisal criteria	Weighting factor of the criterion in the overall appraisal assessment	Assessment	Score	Findings, comments and conclusions
1.	<p>Skills for planning and structuring pre-trial proceedings:</p> <ul style="list-style-type: none"> -the rhythm of investigative actions in pre-trial proceedings and investigations, and the optimal organisation of urgent investigative actions; -skills for correct factual assessment on the basis of objective causal links; -skills for timely and lawful action by the investigator as a participant in the on-duty investigation task force. 	0.5			
2.	<p>Execution of the written instructions and orders of the prosecutor</p> <ul style="list-style-type: none"> -strict adherence to procedural requirements regarding the relations with the prosecutor; -skills and ability for purposeful and effective exchange of information with the prosecutor – timely notification of all material circumstances relevant to the job; -ability to make autonomous decisions in optimal coordination with the prosecutor on the essential circumstances for the proper conduct of pre-trial proceedings. 	0.5			
3.	<p>Compliance of the prosecutor's acts with the investigator's opinion following the final closure of the investigation and the cases resumed for further investigation.</p>	1.5			

Part VI
Numerical assessments based on the additional criteria for a managerial position

No.	Appraisal criteria	Weighting factor of the criterion in the appraisal assessment	Assessment	Score	Findings, comments and conclusions
1.	Ability to work in a team and assignment of tasks within it	1.5			
2.	Ability to make correct managerial decisions	1.5			
3.	Conduct that raises the authority of the judiciary and ability to defend and uphold the independence of the judiciary	0.5			
4.	Ability to communicate with other state authorities, citizens and legal entities	0.5			
5.	Professional competence	1			

Part VII
Summary report

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	Presentation of the summary report to the person subject to appraisal and providing an opinion

PART VIII
Proposal for a comprehensive assessment

Positive:	Performance
Satisfactory	Satisfactory performance
Good	Adequate performance for the position
Very good	Very good performance
Negative:	Unacceptable performance

MEMBERS OF THE STANDING APPRAISAL COMMITTEE:

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Part IX
Final proposal for a comprehensive assessment by
the Committee on Appraisals and Competitions to the Prosecutors' College of the SJC

Positive:	Performance
Satisfactory	Satisfactory performance
Good	Adequate performance for the position
Very good	Very good performance
Negative:	Unacceptable performance

The form has been drafted in accordance with the decision under Record No.
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**CHAIRPERSON OF THE COMMITTEE
ON APPRAISALS AND COMPETITIONS
TO THE PROSECUTORS' COLLEGE OF
THE SJC**

The form was served to me on:

.....
(date)

.....
(name and surname)

.....
(signature)

