

**Summary of the questionnaires  
“Impartiality, Physical integrity of  
judges and Code of ethic”  
Part I**

- **Based on the answers of Albania, Bosnia and Herzegovina, Bulgaria, Italy, Hungary, Montenegro, Romania, Serbia and Turkey**

# Impartiality

- judicial incompatibility
- disqualification
- allocation of cases
- publicity of hearings and trials
- associate judging

# Regulation of the judicial incompatibility

Italy  
strictest regulation  
– judicial  
profession  
incompatible with  
any other  
profession

Country	Rules
Albania	✓
Bosnia and Herzegovina	✓
Bulgaria	✓
Hungary	✓
Italy	✓
Montenegro	✓
Romania	✓
Serbia	✓
Turkey	✓

in every country  
regulated by  
an act/constitutional act

# Regulation of disqualification

Country	Rules
Albania	✓
Bosnia and Herzegovina	✓
Bulgaria	✓
Hungary	✓
Italy	✓
Montenegro	✗
Romania	✓
Serbia	✓
Turkey	✓

in every country:

- absolute
- relative causes

# Allocation of cases

Country	Rules
Albania	✓
Bosnia and Herzegovina	✓
Bulgaria	✓
Hungary	✓
Italy	✓
Montenegro	✓
Romania	✓
Serbia	✓
Turkey	✓

## Serbia and Turkey

- allocation and registration of cases electronically
- available by the clients



# Publicity of trials/hearings

Country	Rules
Albania	✓
Bosnia and Herzegovina	✓
Bulgaria	✓
Hungary	✓
Italy	✓
Montenegro	✓
Romania	n.a.
Serbia	✓
Turkey	✓

Bosnia and Herzegovina:  
the judge can decide to exclude the public with the participation of a civil organisation

# Associate judging

Country	
Albania	✗
Bosnia and Herzegovina	✓
Bulgaria	✗
Hungary	✓
Italy	✓
Montenegro	✗
Romania	n.a.
Serbia	✓
Turkey	✓

- Italy  
mainly in
- juvenile procedures
  - family law cases



# Code of ethic

- regulation of ethic
- binding effect of ethic rules
- restrictions on fundamental rights in ethic rules
- regulation of the usage of internet

# Regulation of ethic

Country	Rules
Albania	✓
Bosnia and Herzegovina	✓
Bulgaria	✓
Hungary	✓
Italy	✓
Montenegro	✓
Romania	✓
Serbia	✓
Turkey	✗

Turkey, Albania  
in process

Bulgaria, Romania  
regulation  
concerns:

- judges
- prosecutors
- members of investigation authority

# Binding effect of ethic rules

Country	Binding	Recommendation
Albania	?	?
Bosnia and Herzegovina	✗	✓
Bulgaria	✓	✗
Hungary	✗	✓
Italy	✗	✓
Montenegro	✓	✗
Romania	✓	✗
Serbia	✓	✗
Turkey	?	?

# Restrictions on fundamental rights in ethic rules

Country	Restriction
Albania	✗
Bosnia and Herzegovina	✓
Bulgaria	✓
Hungary	✓
Italy	✓
Montenegro	✗
Romania	✓
Serbia	✗
Turkey	n.a.

## Bosnia and Herzegovina

- prohibition of the membership of the political parties
- participation in political meetings, debates except judicial matters

# Regulation of the usage of internet

Country	Rules
Albania	✗
Bosnia and Herzegovina	✓
Bulgaria	✓
Hungary	✓
Italy	✗
Montenegro	✓
Romania	✗
Serbia	✗
Turkey	?

## Romania

decision of the Supreme Court: the rules of ethic applies