



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 28 June 2002

Restricted
CDL (2002) 105
English only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

BULGARIA
JUDICIAL SYSTEM ACT
(DRAFT AMENDMENTS ARE UNDERLINED)

REPUBLIC OF BULGARIA**NATIONAL ASSEMBLY****JUDICIAL SYSTEM ACT**

Promulgated State Gazette No. 59/22.07.1994

*Amended, SG No. 78 & 87/1994; 64, 96, 104 & 110/1996,
58, 122 & 124/1997, 11 & 133 /1998, SG, issue 84 of 13.10.2000 and issue 25 of 16.03.2001*

Chapter One**GENERAL PROVISIONS****Article 1**

- (1) The judicial system is the state authority administering justice in the Republic of Bulgaria.
- (2) The judicial system is autonomous.

Article 2

- (1) Justice defends the rights and the legal interests of the citizens, the legal persons, and the State.
- (2) Justice is administered in the name of the people.

Article 3

- (1) The courts in the Republic of Bulgaria are regional courts, district courts, courts-martial, courts of appeal, Supreme Administrative Court and Supreme Court of Cassation.
- (2) The structure of the prosecutor's office corresponds to the structure of the courts.
- (3) (Amended, SG 133/1998) There shall be an investigation service at each district court.
- (4) The establishment of extraordinary courts is not allowed.
- (5) Specialized courts may be set up by an act of Parliament.

Article 4

- (1) Civil, criminal, and administrative cases fall within the jurisdiction of the courts.
- (2) A case, which is tried by a court, may not be reviewed by another authority.

Article 5

The courts shall apply the law accurately and equally to all.

Article 6

The courts shall ensure equality and equal conditions of contest to the parties in the proceedings.

Article 7

The citizens and the legal persons have the right to defence in court when their rights and freedoms have been violated, which shall not be denied them.

Article 8

The citizens and the legal persons have the right to counsel at all stages of the proceedings.

Article 9

- (1) The courts shall exercise control over the legality of the acts and measures of administrative bodies.
- (2) The citizens and the legal persons may contest before the court any administrative act, which affects their rights and legal interests, with the exception of those explicitly specified by law.

Article 10

The judges, the prosecutors, and the investigators are irremovable under the terms and conditions provided by this Act.

Article 11

- (1) The judges, the prosecutors, and the investigators may not be detained, and criminal proceedings may not be instituted against them, except as provided by law.

- (2) The judges, the prosecutors, and the investigators may not be summoned to a military muster or military training.

Article 12

- (1) As long as they practice their profession, the judges, the prosecutors, and the investigators shall not be members of political parties or organizations, movements or coalitions having political ends, and shall not carry out political activities.
- (2) The judges, the prosecutors, and the investigators are free to form and join organizations which defend their independence and professional interests and promote their professional qualifications.
- (3) The professional organizations of judges, prosecutors, and investigators shall not associate with trade union organizations from another branch or sector, at a national or regional level.
- (4) Judges, prosecutors and investigators shall declare their income and property upon their appointment and then annually, by 31 May at the latest, before the Court of Auditors, in accordance with the Disclosure of the Property Status of Persons in Senior Government Positions Act.

Article 13

In the discharge of their functions, the judges, jurors, prosecutors, and investigators are independent and obey the law only. In the event that the court estimates that a law contravenes the Constitution, the court shall notify the Supreme Court of Cassation or the Supreme Administrative Court, and the prosecutors and the investigators shall notify the Chief Prosecutor, so that the Constitutional Court may be seized.

Article 14

In performing their functions and delivering their acts, the prosecutors and the investigators shall proceed from the law and the evidence collected on the case, judged according to their conscience and free inner conviction.

Article 15

- (1) (Amended SG,124/1997)Judicial proceedings shall be of three instances: first instance, intermediate appellate, and cassation, unless provided otherwise by the procedural law.
- (2) The acts of the court, which have come into force, may be repealed only as provided by law.

Chapter Two SUPREME JUDICIAL COUNCIL

Article 16

- (1) (Amended,SG 133/1998) The Supreme Judicial Council shall determine the composition and shall carry out the organization of the judicial system. It shall consist of twenty-five members who shall be jurists with high professional and moral qualities, having a legal experience of at least fifteen years, of which not less than five years as a judge, prosecutor, investigator or tenurial academic of law. The Supreme Judicial Council shall be a body corporate sitting in Sofia.
- (2) The Chairman of the Supreme Court of Cassation, the Chairman of the Supreme Administrative Court, and the Chief Prosecutor shall be members of the Supreme Judicial Council *ex officio*.
- (3) The National Assembly shall appoint eleven of the members of the Supreme Judicial Council.
- (4) Members of the Supreme Judicial Council may not:
 1. Be members of Parliament, mayors, or municipal councillors;
 2. Be members of political parties and organizations, as well as members of trade union organizations outside the judicial system;
 3. Repealed - Decision No. 9/30.09.1994 of the Constitutional Court - SG No. 87/1994.

Article 17

- (1) Eleven of the Supreme Judicial Council members shall be elected by the judicial bodies.
- (2) (Amended,SG 133/1998) The judges shall elect six, the prosecutors three, and the investigators two Supreme Judicial Council members each out of their own ranks. The elections shall be held at individual delegates' meetings with a representation of one delegate per ten people, no delegate being elected for a remainder of less than five people.

Article 18

- (1) (Amended, SG 133/1998) The individual meetings of the judges, the prosecutors, and the investigators from the jurisdiction of the respective district court shall elect delegates. The military judges shall elect delegates at a general meeting of all courts-martial. The military prosecutors and the military investigators shall elect delegates at a general meeting of all military prosecutors and military investigators. The Supreme Court of Cassation, the Supreme Administrative Court, the Chief Prosecutor, the Chief Prosecutor's Office of Cassation, the Chief Prosecutor's Administrative Office, the courts of appeal, the appellate prosecutors, and the Specialized Investigation Service shall elect delegates at separate meetings.
- (2) The delegates shall be elected by simple majority, by secret ballot, and the election shall be valid if at least two-thirds of those eligible to participate have taken part in it.

Article 19

- (1) The delegates' meetings under Art. 17, para. 2 shall be valid if they are attended by at least two-thirds of the elected delegates.
- (2) The decisions on electing Supreme Judicial Council members shall be passed by simple majority of the number of all delegates, by secret ballot.

Article 20

- (1) The legality of the election of a Supreme Judicial Council member may be contested before the Supreme Judicial Council, in case the complaint is signed by one-fifth of the delegates to the respective meeting and is lodged within seventeen days after the day of the election.
- (2) The right to contest the legality of an election by the meeting of delegates shall also be vested in the Supreme Judicial Council. The appeal shall be lodged within fourteen days as from the date on which the Supreme Judicial Council has been formed or from the submission of the decision to elect a new member to the Supreme Judicial Council, accordingly.
- (3) The Supreme Judicial Council shall elect, at its first meeting after receipt of the appeal, from among its members, a five-member mandate commission, which shall prepare an opinion on the legality of the contested election within fourteen days. The Supreme Judicial Council shall rule within fourteen days after receiving the opinion of the mandate commission.
- (4) In the event that the Supreme Judicial Council establishes the illegality of the election, it shall set a date for a new election within one month after the ruling.
- (5) Until the Supreme Judicial Council has pronounced, the person whose election is contested shall not participate in the meetings of the Supreme Judicial Council.

Article 21

The term of office of the Supreme Judicial Council elected members is five years. They may not be reelected for two consecutive terms of office.

Article 22

- (1) Before the expiration of his term of office, an elected member may be dismissed by a decision of the body which has elected him:
 1. Upon his own request;
 2. In the case of an effective sentence for a premeditated crime he has committed;
 3. In case of a lasting actual impossibility for him to discharge his duties for more than six months;
 4. In case he is placed under full or limited judicial disability;
 5. Repealed - Decision No. 9/30.09.1994 of the Constitutional Court - SG No. 87/1994.
 6. Repealed - Decision No. 9/30.09.1994 of the Constitutional Court - SG No. 87/1994.
- (2) The procedure under para. 1 shall be initiated upon the proposal of the Supreme Judicial Council, upon the request of one-fifth of the members of Parliament for the quota, elected by the National Assembly, or of one-fifth of the membership of the court, the prosecutor's office or the investigation service respectively, for the members elected from the quota of the judicial system.
- (3) The *ex officio* Supreme Judicial Council members may not be dismissed, as long as they hold the offices under Art. 16, para. 2.

Article 23

The election of a new Supreme Judicial Council member shall follow the terms and procedures under which the dismissed member was elected, and shall be for the period up to the end of the latter's term.

Article 24

Repealed - Decision No. 9/1994 of the Constitutional Court - SG No. 87/1994.

Article 25

Repealed - Decision No. 17/1994 of the Constitutional Court - SG No. 93/1995.

Article 26 Repealed

- ~~(1) The sittings of the Supreme Judicial Council shall be chaired by the Minister of Justice, who shall not participate in the voting. In his absence, the sittings shall be chaired, consecutively, by the members of the Supreme Judicial Council under Art. 16, para. 2.~~
- ~~(2) The Supreme Judicial Council shall be convened at least once every three months, by the Minister of Justice or upon the request of one fifth of its members.~~
- ~~(3) Decisions may be passed if at least two thirds of the Supreme Judicial Council members are present, by simple majority of those present, by open ballot, unless otherwise required by the Constitution or by law.~~
- (4) In determining the quorum under para. 3 the members who are on business abroad or are absent due to an illness shall not be taken into account. Up to one-sixth of the total numbers of the Supreme Judicial Council members may be deducted under these terms and procedures.

Article 27

- (1) The Supreme Judicial Council shall:
 - 1. (Amended,SG 133/1998)Propose to the President of the Republic of Bulgaria, for appointing and dismissal, the Chairman of the Supreme Court of Cassation, the Chairman of the Supreme Administrative Court, and the Chief Prosecutor. In case the proposal has been repeated, the President may not refuse the appointment or the relieving from office;
 - 2. Determine the number, the territorial limits of jurisdiction, and the seats of the regional courts, the district courts, the courts-martial, and the courts of appeal, upon the proposal of the Minister of Justice ;
 - 3. determine the number of judges, prosecutors, investigators, bailiffs, recordation judges, and court officials at all courts, prosecution offices and investigation services;
 - 4. Appoint, promote, demote, move, and dismiss the judges, prosecutors, and investigators;
 - 5. Set the remunerations of the judges, prosecutors, and investigators;
 - 6. (Amended,SG 133/1998)Make decisions on divesting of the immunity and on temporarily removing from office a judge, prosecutor, and investigator in the cases provided by this Act, upon the request of the Chief Prosecutor of the Republic, the Presidents of the Supreme Court of Cassation and of the Supreme Administrative Court, and the Minister of Justice, and at the request of at least one fifth of the members of the Supreme Judicial Council;
 - 7. Rule on decisions on disciplinary cases against judges, prosecutors, and investigators;
 - 8. Submit to the Council of Ministers the draft budget of the judicial system and shall control its execution;
 - 9. May require and hear information from the courts, the prosecutor's offices and the investigation services.
 - 10. examine an annual report on the work of the courts, prosecution offices and investigation services, drafted by the Minister of Justice on the basis of the annual reports and statistical data submitted by the courts, the prosecutions offices and the investigation services;
 - 11. adopt Rules of Procedure for the Council and its administration;
 - 12. adopt decisions, within the scope of its competence, which shall be binding on the bodies of the Judiciary;
 - 13. elect the director of the National Investigation Service by secret ballot and by a majority of more than half of the total number of members of the Supreme Judicial Council;
 - 14. adopt a Code of Ethics for Judges, Prosecutors and Investigators;
 - 15. adopt a Code of Ethics for Court Officials.

(2) (New,SG 133/1998) When a decision is to be made on the issues referred to in para 1, items 3-7, the opinion of the direct superior may also be requested and with respect to public prosecutors - also the opinion of the Chief Prosecutor. The Minister of Justice may present an opinion on all issues referred to in paragraph 1.

Article 28

- (1) (Amended,SG 133/1998) The Supreme Judicial Council shall consider proposals for candidates for President of the Supreme Court of Cassation, President of the Supreme Administrative Court, made by the plenary meeting of the Supreme Court of Cassation and the Supreme Administrative Court, and Chief Prosecutor of the Republic and for a Director of the National Investigation Service, made by the general meeting of prosecutors at the Supreme Prosecution Office of Cassation, by the Supreme Administrative Prosecution Office and by the general meeting of investigators at the National Investigation Service, whereafter a vote shall held by secret ballot.
- (2) A proposal for a decision under para 1 may also be made by any member of the Supreme Judicial Council.
- (3) The proposals under paragraphs 1 and 2 shall be made at two sequential meetings, whereupon the nominees proposed shall be heard
- (4) The decision under para. 1 shall be passed by a majority of more than one half of the total number of all Supreme Judicial Council members.
- (5) In case more than half of the total number of all Supreme Judicial Council members are not collected in the first voting for the offices under para. 1, the election shall be repeated for the two candidates who have received the greatest number of votes.
- (6) In the event that the President of the Republic of Bulgaria refuses to appoint a candidate proposed by the Supreme Judicial Council and a new proposal is prepared, the election shall follow the terms and procedures of paragraphs 1-5.

Article 29

- (1) The Chairman of the Supreme Court of Cassation, the Chairman of the Supreme Administrative Court, and the Chief Prosecutor may be dismissed before the expiration of their term of office:
 1. In case they resign;
 2. In case of a lasting actual impossibility to exercise their powers due to a severe illness;
 3. Repealed - Decision No. 9/30.09.1994 of the Constitutional Court - SG No. 87/1994.
 4. When a sentence comes into force, imposing the penalty of imprisonment for a premeditated crime of a general nature;
 5. Repealed - Decision No. 9/30.09.1994 of the Constitutional Court - SG No. 87/1994.
 6. In case of incompatibility with offices and activities under Art. 16, para. 4.
- (2) The existence of grounds for premature dismissal of the Chairman of the Supreme Court of Cassation, the Chairman of the Supreme Administrative Court, and the Chief Prosecutor shall be established by the Supreme Judicial Council, by a decision passed in accordance with Art. 28, paragraphs 2-4, after which it shall propose to the President of the Republic of Bulgaria to dismiss them.

Article 30 (Amended,SG 133/1998)

- (1) The proposals concerning the number of judges, prosecutors and investigators, bailiffs, recordation judges and court officials, and concerning the appointment, promotion, demotion, transfer and removal from office of judges, prosecutors and investigators, shall be made before the Supreme Judicial Council via the Minister of Justice who shall, within 7 days, submit them to the Supreme Judicial Council together with an opinion. The proposals shall be made by:
 1. the president of the Supreme Court of Cassation:
 - a) with respect to vice-presidents, presidents of divisions and judges at that Court;
 - b) with respect to presidents of district, military and appellate courts, on grounds of a proposal from the general meeting of the respective court;
 - c) with respect to vice presidents of district, military and appellate courts, on a proposal from the presidents of the respective courts.
 2. the President of the Supreme Administrative Court, with respect to deputy-presidents, presidents of divisions and judges at that Court;
 3. the Chief Prosecutor;

- a) with respect to Deputy Chief Prosecutors at the Supreme Prosecution Office of Cassation and the Supreme Administrative Prosecution Office, and the prosecutors at those prosecution offices;
 - b) with respect to the leaders of district, military and appellate prosecution offices, on a proposal from the general meetings of prosecutors at the respective prosecution offices;
 - c) with respect to deputies of the district, military and appellate prosecutors, on a proposal from the leaders of the respective prosecution offices.
 4. the leaders of military and appellate prosecution offices, with respect to prosecutors at those prosecution offices;
 5. the leaders of district prosecution offices, with respect to prosecutors at those prosecution offices, regional prosecutors and their deputies, on a proposal from the respective regional prosecutor, save for the appointment of junior prosecutors and prosecutors at regional prosecution offices;
 6. the presidents of military and appellate courts, with respect to judges at those courts;
 7. the presidents of district courts:
 - a) with respect to presidents of regional courts under the respective district court, on the basis of a proposal from the general meeting of the regional court;
 - b) with respect to vice presidents of district courts;
 - c) with respect to vice presidents of district courts, on a proposal from the president of the respective district court;
 - d) with respect to judges at district and regional courts, save for the appointment of junior judges and judges at regional courts;
 8. the Director of the National Investigation Service:
 - a) with respect to deputy directors of the National Investigation Service and investigators at that service;
 - b) with respect to directors of district investigation services, on a proposal from the general meetings of investigators at the district investigation services;
 - c) with respect to deputy directors of district investigation services, on a proposal from the director of the respective investigation service.
 - d) with respect to military investigators, on a proposal from the directors of the respective district investigation services
 9. the leaders of district investigation services, with respect to investigators at those services.
- (2) In those bodies of the Judiciary where the number of judges, prosecutors or investigators is less than five, no general meeting shall be formed and its powers shall be exercised by the general meeting of the higher body of the Judiciary.
 - (3) The decisions of the general meetings shall be passed by a simple majority of all members of the respective general meeting, by secret ballot.
 - (4) The respective leader under paragraph 1 must present the proposal of the general meeting to the Supreme Judicial Council, via the Minister of Justice, within seven days as from the date on which the decision of the general meeting was passed. In addition to the proposal of the general meeting, the Minister shall have the right to propose another candidate as well.
 - (5) The proposals of the general meetings and of the respective leaders under paragraph 1 shall be examined by the Supreme Judicial Council within fourteen days at the latest as from their presentation to the Council.
 - (6) The Minister of Justice may make proposals and provide opinions on the legality of the proposals to the Supreme Judicial Council under Art. 27, para 1, items 1, 3 and 4 with respect to all positions of judges, prosecutors and investigators and of the leaders referred to in Art. 125a, para 1, items 2-9, by organising the keeping and storage of the personal files of judges, prosecutors and investigators.
 - (7) The decisions under Art. 27, para 1, item 4 shall be passed by a majority of more than half of the total number of the members of the Supreme Judicial Council, by secret ballot.
 - (2) (8) In implementation of the decisions of the Supreme Judicial Council under Art. 27, para 1, item 4, the persons referred to in paragraph 1 shall issue orders, including in the cases under paragraph 2.

Article 30a

The leaders of the bodies of the Judiciary must satisfy the requirements laid down in Articles 126 and 127.

Article 31

A member of the Supreme Judicial Council shall not have the right to participate in the voting on decisions which personally affect that member or concern his or her spouse or relative in the direct line, in the collateral line up to the fourth degree, and by affinity up to the third degree.

Article 32

- (1) With regard to passing a decision on divesting of immunity and temporarily removing from office a judge, prosecutor or investigator, the Supreme Judicial Council shall rule within five days after being seized, hearing the oral or written explanations of the person with regard to whom the proposal has been made.
- (2) The decision under para. 1 shall be passed by a majority of two-thirds of the Supreme Judicial Council members, by secret ballot.

Article 33

The Supreme Judicial Council shall determine, by drawing lots, a five-member group from among its members, which shall hear disciplinary actions brought against judges, prosecutors, or investigators.

Article 34 (Amended,SG 133/1998)

- (1) The parties concerned may appeal against the decisions of the Supreme Judicial Council before the Supreme Administrative Council within fourteen days of the notification, and the appeal against a decision under Art. 27, para 1, items 4 and 7 shall stay its enforcement, unless otherwise ordered by the court.
- (2) The decisions of the disciplinary panel of the Supreme Judicial Council, and those of the Council in disciplinary actions, shall be subject to appeal, within 14 days of notice, before a panel of three judges of the Supreme Court of Cassation and two judges of the Supreme Administrative Court, to be appointed by the Supreme Judicial Council.”

Chapter Three**CHAIR OF THE SUPREME JUDICIAL COUNCIL****Article 34a**

- (1) The meetings of the Supreme Judicial Council shall be chaired by the Minister of Justice who shall not participate in the voting.
- (2) The chair of the Supreme Judicial Council shall organise and moderate the meetings of the Council.
- (3) Where the Minister of Justice is absent, the meetings shall be chaired sequentially by the members of the Supreme Judicial Council referred to in Art. 16, para 2.
- (4) In the cases under para 3, the Minister of Justice shall notify in advance the deputy under Art. 16, para 2, so that he could organise the holding of a meeting.

Article 34b

- (1) The meetings of the Supreme Judicial Council shall be convened by the chair or at the request of one fifth of its members.
- (2) The meetings of the Council shall take place based on an agenda announced in advance and the members of the Council should be notified of the date of the meeting, the agenda and the materials for the meeting three days in advance. The agenda shall be approved by the chair.
- (3) The agenda may be supplemented on the day of the meeting by a decision of the Supreme Judicial Council made by a majority of two thirds of those present.

Article 34c

The decisions shall be passed if at least two thirds of the members of the Supreme Judicial Council having the right to vote have attended, by a simple majority of the votes of those present, by open voting, unless otherwise required by the law.

**Chapter Four
INSPECTORATE**

Article 35 (Amended,SG 133/1998)

- (1) An Inspectorate is hereby set up with the Ministry of Justice which shall:
1. inspect the organisation of the administrative work of courts, prosecution offices and investigation services and summarise the work of court administrators;
 2. inspect and summarise the organisation of the institution, progress and closure of court, prosecution and investigation cases and files within the existing time limits;
 3. summarise and analyse the case law of courts, prosecution offices and investigation services by group and type of cases and acts delivered, while providing information on the findings and conclusions arrived at to the Minister of Justice who shall present that information to the Supreme Judicial Council for discussion;
 4. inspect, summarise and analyse the case law of bailiffs and recordation judges;
 5. provide the Supreme Judicial Council, via the Minister of Justice, with information on the findings and conclusions arrived at, and with an assessment of the organisation of the institution, progress and closure of court, prosecution and investigation cases and files, and of the work of court administrators;
 6. fulfil other tasks concerning the work of courts, prosecution offices and investigation services, based on an order of the Minister of Justice or on a decision of the Supreme Judicial Council.
- (2) If, while conducting the inspections under para 1, items 1-3, data are found out for a violation of Art. 168, para 1, items 1 and 2 by a judge, a prosecutor or an investigator, the Inspectorate shall, via the Minister of Justice, present information on its conclusions and findings for consideration by the Supreme Judicial Council.
- (3) The Inspectorate shall carry out joint inspections under para 1, items 1-5 with a judge, prosecutor or investigator at the respective court, prosecution office or investigation service who shall be designated by the authority referred to in Art. 171, para 1, items 2-7.
- (4) The Inspectorate shall not inspect the work of the Supreme Court of Cassation, the Supreme Administrative Court, the Chief Prosecutor, the Supreme Prosecution Office of Cassation and the Supreme Administrative Prosecution Office.

Article 36 (Amended,SG 133/1998)

- (1) The Inspectorate shall consist of ~~inspectors, auditors~~, and experts, under the direction of a Chief Inspector.
- (2) The Chief Inspector shall be appointed by the Minister of Justice and European Legal Integration ~~for a term of four years~~, subject to the opinion of the Supreme Judicial Council.
- (3) For Chief Inspector shall be appointed only a person who satisfies the requirements under Articles 126 and 127, para 4,
- (4) The Chief Inspector shall perform the functions under Article 35, ~~paras 1, 2 and 3 in accordance with his competence.~~
- (5) The ranking and the remuneration of the Chief Inspector shall be equivalent to those of a president of department at the Supreme Court of Cassation. The chief inspector may be removed from office under the conditions laid down in Art. 131, para 1.
- (6) The chief inspector shall retain his status of irremovability for the position that he had occupied before his appointment, if he had worked in the judicial system. He shall return to that position upon his removal from the inspectorate.

Article 36a. (New, SG 133/1998)

- (1) The inspectors shall be appointed by the Minister of Justice and European Legal Integration ~~for a term of two years~~, subject to the opinion of the Supreme Judicial Council.
- (2) Shall be appointed inspectors persons who meet the requirements laid down in Articles 126 and 127, para 3.
- (3) The inspectors shall perform the functions under Article 35, paras 1, 2 and 3 ~~in accordance with their competence.~~
- (4) The ranking and the remuneration of inspector shall be equivalent to those of a president of a court of appeal. Inspectors may be removed under the conditions laid down in Art. 131, para 1.
- (5) An inspector shall retain his status of irremovability from the position he had occupied prior to his appointment, if he has worked in the judicial system. He shall return to that position upon his removal from the Inspectorate.

Article 36b. (New, SG 133/1998) Repealed

- ~~(1) The auditors shall be appointed by the Minister of Justice and European Legal Integration.~~
- ~~(2) No person shall be appointed auditor unless he meets the requirements for the position of district court judge.~~
- ~~(3) The inspectors shall perform the functions under Article 35, paragraphs 5 and 6, in accordance with their competence.~~
- ~~(4) The ranking and the remuneration of auditor shall be equivalent to those of a district court judge.~~
- ~~(5) Upon his removal from the Inspectorate, an auditor shall resume his previous position if he had been a member of the judicial system.~~

Article 36c. (New, SG 133/1998) Repealed

- ~~(1) The experts shall be appointed by the Minister of Justice and European Legal Integration.~~
- ~~(2) The experts shall perform the functions under Article 35 in accordance with their competence.~~
- ~~(3) No person shall be appointed expert unless he has served as judge, prosecutor or investigator for a minimum period of three years.~~
- ~~(4) The ranking and the remuneration of expert shall be equivalent to those of a district court judge.~~
- ~~(5) Upon his removal from the Inspectorate, an expert shall resume his previous position if he had been a member of the judicial system.~~

Chapter Five COURTS

Part One General Provisions

Article 37

The number, the territorial limits of the courts' jurisdictions, and the seats of the regional courts, district courts, courts-martial and courts of appeal shall be determined by the Supreme Judicial Council.

Article 38

The territorial limits of the jurisdictions of the regional courts, district courts, courts-martial and courts of appeal need not necessarily coincide with the administrative and territorial division of the country.

Article 39

- (1) The regional courts, district courts, and courts-martial shall hear the cases specified by law as courts of first instance.
- (2) The district courts shall hear as a court of second instance the appealed rulings on cases of the regional courts, as well as other cases assigned to them by law.
- (3) The courts of appeal shall hear the appealed acts on cases of the district courts as a court of second instance, as well as other cases assigned to them by law.

- (4) The Supreme Court of Cassation shall exercise the supreme judicial supervision on the accurate and equal application of the laws by all courts.
- (5) The Supreme Administrative Court shall exercise the supreme judicial supervision on the accurate and equal application of the laws in administrative cases, and shall rule on disputes as to the legality of regulations.

Article 40

- (1) Disputes between courts as to jurisdiction shall be settled in accordance with the provisions of the procedural laws.
- (2) Disputes between the Supreme Court of Cassation and the Supreme Administrative Court as to jurisdiction shall be settled by a group including three representatives of Supreme Court of Cassation and two representatives of the Supreme Administrative Court, their ruling being final.

Article 41

In case of contradictory court practice between the Supreme Court of Cassation and the Supreme Administrative Court interpretive rulings adopted at joint plenary sessions may be issued.

Article 42

All courts are budget-supported legal persons.

Part Two

Jurors

Article 43

(Amended SG, 58/1997) The court shall hear the first-instance civil and criminal cases with the participation of jurors where specified by the procedural law.

Article 44

- (1) Jurors shall be Bulgarian citizens, who have attained majority, have a good name and authority with the public, and have not been convicted to imprisonment for premeditated crimes, irrespective of the fact if they have been rehabilitated or not.
- (2) (Amended,SG 133/1998)Jurors in courts-martial may be generals (admirals), officers, as well as **career** non-commissioned officers.

Article 45

- (1) The jurors shall be appointed upon the proposal of municipal councils:
 1. For the regional courts - by the general meetings of the judges in the respective district court;
 2. For the district courts - by the general meetings of the judges in the respective court of appeal.
- (2) The jurors in courts-martial shall be appointed, upon the proposal of the commanders of the military units, by the general meetings of the judges in the court-martial of appeal.

Article 46

The jurors' term of office shall be five years.

Article 47

The jurors shall take the oath under Art. 107, under the terms and conditions of Art. 110.

Article 48

The body, which has appointed a juror, shall dismisses the juror, in case:

1. The juror has been convicted to imprisonment for a premeditated crime;
2. By his actions, the juror lowers the prestige of justice;
3. The juror requests to be dismissed, for good reasons.
4. The juror does not meet the conditions under Art. 44.

Article 49

The jurors shall be summoned to participate in court hearings by the chairman of the court for 60 days in one calendar year at most, unless the trying of the case continues for longer than this period.

Article 50

- (1) (Amended,SG 133/1998) (1) For the period during which they discharge their duties under this Act the jurors shall be allowed unpaid leave, and the jurors at courts-martial shall be allowed paid leave.
- (2) In case of default under para. 1, the penalty provided under Art. 201 shall be imposed.
- (3) (Amended,SG 133/1998) For their participation in court hearings, the jurors on unpaid leave and those who are not parties to a civil service or employment relationship shall receive remuneration out of the budget of the judicial system.

Article 51

The Minister of Justice , in coordination with the Supreme Judicial Council, shall issue a regulation specifying:

1. The terms and procedures under which the candidates for jurors shall be nominated;
2. The remunerations of the jurors under Art. 50, para. 3;
3. Other organizational matters connected with the jurors.

Part Three Regional Court

Article 52

The regional court is the basic court of first instance. Its jurisdiction shall comprise all cases with the exception of those which fall under another court's jurisdiction by law.

Article 53

- (1) The regional court shall consist of judges, and shall be directed by a chairman. The regional court may have one or several deputy-chairmen.
- (2) (Amended,SG 133/1998)There shall be a prosecutor's office with the regional court.

Article 54

The regional court shall hear the cases in a panel of a judge and two jurors, unless otherwise provided by law.

Article 55

- (1) In case the office of a judge in a regional court is not filled or a judge is prevented from discharging his duties, as well for other lawful reasons, and this judge can not be substituted for by another judge in the same court, the chairman of the respective district court may commission a judge from another regional court, a judge from the district court, or a junior judge with a record of service of at least one year to substitute for him.
- (2) In the event that the substitution under para. 1 is not possible, the chairman of the court of appeal may commission a judge from the jurisdiction of another district court.

Article 56

- (1) The chairman of the regional court:
 1. Exercises general organizational and administrative direction, is responsible for the activities of the court, and represents it;
 2. Prepares:
 - a) an annual report on the work of the court and submits it to the President of the district court so that it could be incorporated in the annual report under Art. 27, para 1, item 10;
 - b) information and statistical data in an electronic format, following a model approved by the Supreme Judicial Council, and submit those to the Minister of Justice so that they could be examined by the Supreme Judicial Council.
 3. (New,SG 133/1998) At the end of every six-month period, prepare and submit to the Inspectorate of the Ministry of Justice and European Legal Integration information concerning the initiation and movement of files and cases by the judges, the bailiffs, and the recordation judges of the court.
 4. (Renumbered,SG 133/1998)Allocates the work between the judges, and participates in court hearings;

5. Makes a proposal before the Minister of Justice for the appointment of bailiffs and recordation judges.
 6. (Renumbered,SG 133/1998)(Amended, SG 104/1996) Directs and controls the activities of the bailiffs, of the previous-conviction certificates offices under the court, and of the recordation judges;
 7. (Renumbered,SG 133/1998)Appoints and dismisses the court staff, and organizes the work of the various services.
 8. Convenes and chairs the general meeting of the court
- (2) In the absence of the regional court chairman, he shall be substituted for by a deputy-chairman or by the following most senior judge.

Article 56a

- (1) The regional court shall have a general meeting composed of all judges, bailiffs and recordation judges.
- (2) The general meeting of the regional court shall:
 1. determine by secret ballot a person whom it shall propose as a president of the court;
 2. analyse and summarise the case law of the court;
 3. examine other issues on a proposal from the president of the court or from a member of the general meeting.
- (3) The decisions of the general meeting shall be passed by a simple majority of the total number of members of the meeting.
- (4) At regional courts where the number of judges under para 1 is less than five, no general meeting shall be formed and its powers shall be exercised by the general meeting of the respective district court.

Part Four District Court

Article 57

- (1) The district court shall hear, as a court of first instance, civil and criminal cases specified by law.
- (2) (Amended, SG 124/1997) The district court shall hear, as an intermediate appellate instance, cases brought on the basis of appeals and protests against judicial acts of the regional courts.
- (3) The district court shall also hear cases assigned to it by law.

Article 58

- (1) Civil, commercial, criminal, and administrative departments may be set up with the district court.
- (2) The chairman and the deputy-chairmen of the district courts shall direct the departments.
- (3) The district court shall consist of judges and junior judges.
- (4) There shall be a prosecutor's office and an investigation service with the district court.

Article 59

- (1) The district court shall have a general meeting consisting of all judges.
- (2) The junior judges and the chairmen of the regional courts may participate in the general meeting with an advisory vote.
- (3) The general meeting of the district court shall:
 1. Determine a person whom it shall nominate for president of the court;
 2. Every two years, at the end of June, distribute the deputy-chairmen and the members among the departments, in case there are two or more departments of the court;
 3. Analyze and summarize the practice of the district court and of the regional courts;
 4. Periodically consider the state of crime and the other offences against the law, summarize the prevention experience of the district court and of the regional courts, and outline measures to improve these activities;
 5. Give an opinion on drafts of interpretive rulings of the Supreme Court of Cassation and the Supreme Administrative Court;
 6. Pass decisions in other cases provided by law.

- (4) Decisions shall be passed by a simple majority of the total number of the judges and, in the cases under para 3, item 1, by secret ballot.

Article 60

The district court shall direct and control the activities of the regional courts within its jurisdiction by:

1. Exercising general organizational guidance aiming at improving their activities;
2. (Amended, SG 104/1996) Conducting periodic audits of their activities, including the activities of the bailiffs and recordation judges;
3. Analyzing and summarizing its own and the regional courts' judicial practice;
4. ~~Organizing the raising of the judges' qualifications.~~

Article 61

- (1) (Amended, SG 133/1998) The district court shall hear the cases in a panel of three judges, unless otherwise provided by a statute.
- (2) In the events under para. 1, one of the members of the district court may be a junior judge.
- (3) The panel shall be chaired by the judge who is the most senior in office and rank.

Article 62

In case the office of a judge in a district court is not filled or a judge is prevented from discharging his duties, as well as for other lawful reasons, and this judge can not be substituted for by another judge in the same court, the chairman of the court of appeal may commission a judge from the court of appeal, from another district court, or a judge from a regional court with the rank of a district court judge from the jurisdiction of the court of appeal, to substitute for him.

Article 63

- (1) The chairman of the district court shall:
 1. Exercise general organizational and administrative direction of the district court ~~and of the regional courts within its jurisdiction~~, and represent the district court;
 2. (New, SG 133/1998) At the end of every six-month period, prepare and submit to the Inspectorate of the Ministry of Justice and European Legal Integration information concerning the initiation and movement of cases.
 3. Prepare:
 - a) an annual report on the work of the district court and the regional courts located within its judicial district, and submit it to the president of the appellate court in the respective judicial district so that it could be incorporated in the annual report under Art. 27, para 1, item 10;
 - b) information and statistical data in an electronic format, following a model approved by the Supreme Judicial Council, and submit those to the Minister of Justice so that they could be examined by the Supreme Judicial Council
 4. (Renumbered, SG 133/1998) Chair court panels of all departments;
 5. (Renumbered, SG 133/1998) Summon the judges from the district court and from the regional courts to discuss the report under item 3, the reports on the audits and inspections, the drafts of interpretive rulings and injunctions;
 6. (Renumbered, SG 133/1998) (Amended, SG 104/1996) Commission judges, bailiffs, and recordation judges within the jurisdiction of the district court, under the terms and conditions of Art. 62;
 7. (Renumbered, SG 133/1998) Organize the preparation of the court candidates, and be responsible for it;
 8. (Renumbered, SG 133/1998) Appoint and dismiss the court staff, and organizes the work of the various services;
 9. (Renumbered, SG 133/1998) Convene and chair the general meeting.
- (2) The chairman of the district court shall be substituted for by a deputy-chairman, in the order of seniority.

Article 64

In the capital city, there shall be a city court with the rights of a district court.

**Part Five
Court-Martial**

Article 65

The jurisdictions of the courts-martial shall be determined under Art. 27, item 2, after consultations with the Minister of Defense.

Article 66

- (1) The competence of the courts-martial shall be specified by law.
- (2) The courts-martial shall be equal to the district courts.

Article 67

- (1) The court-martial shall consist of a chairman, one or more deputy-chairmen, judges, and junior judges.
- (2) There shall be a prosecutor's office and military investigators with the court-martial.

Article 68

- (1) The court-martial shall hear the cases in a panel of one judge with jurors, unless otherwise provided by law. When the court-martial holds a hearing in a panel of three judges, one of them may be a junior judge.
- (2) The panel of the court shall be chaired by the most senior judge within the meaning of Art. 146.

Article 69

- (1) The court-martial has a general meeting, consisting of all judges. The junior judges may participate in the general meeting with an advisory vote.
- (2) The general meeting of the court martial exercises the respective powers under Art. 59, para. 1, 3-6, items 2, 3, 4, and 5.
- (3) Decisions shall be passed by simple majority of the total number of the judges.

Article 70

In case a military judge is prevented from discharging his duties and can not be substituted for by another judge from the same court, the chairman of the court-martial of appeal may commission a judge from another court-martial to substitute for him.

Article 71

(Amended, SG 133/1998)The chairman of the court martial has the rights and duties of a chairman of a district court, with the exception of the powers under Art. 63, para. 1, item 6, and the powers in connection with the guidance of the regional courts.

**Part Six
Court of Appeal**

Article 72

- (1) The court of appeal shall hear the cases brought on the basis of appeals and protests against the first-instance acts of the district courts within its jurisdiction.
- (2) The rulings of the district courts under the Administrative Procedures Act shall not be subject to appeal before the court of appeal.
- (3) The court-martial of appeal shall hear the cases brought on the basis of appeals and protests against the acts of the courts-martial throughout the country.

Article 73 (Repealed, SG 133/1998)

Article 74

- (1) The court of appeal shall consist of civil, commercial, and criminal departments.
- (2) The chairman and the deputy-chairmen of the court shall direct the departments.
- (3) There shall be an appellate prosecutor's office with the court of appeal. There shall be a military appellate prosecutor's office with the court martial of appeal.

Article 75

- (1) The court of appeal shall guide and control the activities of the district courts within its jurisdiction, by:
 1. Exercising organizational guidance aiming at improving their activities;
 2. Conducting periodic audits of their work;
 3. Analyzing and summarizing its own and the district courts' judicial practice;
 4. ~~Organizing the raising of the judges' qualifications.~~
- (2) The court-martial of appeal has the respective powers with regard to the courts-martial.

Article 76

- (1) The court of appeal shall have a general meeting consisting of all judges. The chairmen of the district courts shall participate in it with the right to an advisory vote.
- (2) The general meeting of the court of appeal shall exercise respectively the powers under Art. 59, para. 3, items 1, 2, 3, 5 and 6.
- (3) Decisions shall be passed by simple majority of the total number of the judges.
- (4) The general meeting of judges at the court of appeal shall determine by secret ballot a person whom it shall propose as president of the court

Article 77

The court of appeal shall sit in a panel of three judges, unless otherwise provided by law.

Article 78

- (1) In case the office of a judge in the court of appeal is not filled or a judge is prevented from discharging his duties, as well as for other lawful reasons, and this judge can not be substituted for by another judge in the same court, the chairman of the court of appeal may commission a judge from the district court with the respective rank to substitute for him.
- (2) The chairman of the court-martial of appeal shall commission judges from the courts-martial under the terms and conditions of para. 1.

Article 79

- (1) The chairman of the court of appeal shall:
 1. Exercise general organizational and administrative direction of the court of appeal ~~and of the respective district courts within its jurisdiction~~, and represent the court of appeal;
 2. Prepare:
 - a) an annual report on the work of the court of appeal, of the district courts and of the regional courts located within its judicial district, and submit it to the Minister of Justice so that it could be incorporated in the annual report under Art. 27, para 1, point 10;
 - b) information and statistical data in an electronic format, following a model approved by the Supreme Judicial Council, and submit those to the Minister of Justice so that they could be examined by the Supreme Judicial Council.
 3. (New,SG 133/1998) At the end of every six-month period, prepare and submit to the Inspectorate of the Ministry of Justice and European Legal Integration information concerning the initiation and movement of cases.
 4. (Renumbered, SG 133/1998) Chair court panels from all departments;
 5. (Renumbered, SG 133/1998) Summon the judges from the court of appeal and from the district courts to discuss the report under item 2, the reports on the audits and inspections, the drafts of interpretive rulings and injunctions, as well as other matters;
 6. (Renumbered, SG 133/1998) Convene and chair the general meeting;
 7. (Renumbered, SG 133/1998) Commission judges under the terms and conditions of Art. 78.
- (2) The chairman of the court of appeal shall be substituted for by a deputy-chairman, in the order of seniority.

Part Seven
Supreme Court of Cassation

Article 80

- (1) The Supreme Court of Cassation shall be the supreme judicial instance on criminal and civil cases. It shall exercise the supreme judicial supervision on the precise and equal application of the laws by all courts hearing the afore-mentioned cases. Its jurisdiction shall cover the entire territory of the Republic of Bulgaria.
- (2) The seat of the Supreme Court of Cassation shall be in Sofia.

Article 81

- (1) The Supreme Court of Cassation shall be the cassation instance for the judicial acts, specified by law.
- (2) The Supreme Court of Cassation shall settle the disputes as to jurisdiction, in case a court of appeal is a party to such disputes.

Article 82

- (1) (Amended, SG 133/1998) The Supreme Court of Cassation shall consist of a civil and criminal college. There shall be departments in the colleges.
- (2) The chairman and the deputy chairmen shall head the colleges.
- (3) (Amended, SG 133/1998) There shall be a Prosecutor's Office, headed by a Deputy Prosecutor, with the Supreme Court of Cassation.

Article 83

In case the office of a judge in the Supreme Court of Cassation is not filled or a judge is prevented from discharging his duties, as well as for other lawful reasons, and this judge can not be substituted for by another judge in the same court, the chairman of the Supreme Court of Cassation may commission a judge from an appellate or district court with the corresponding rank to substitute for him.

Article 84

- (1) The Supreme Court of Cassation shall sit in a panel of:
 1. Three judges - in case it hears cases as a cassation instance and disputes as to jurisdiction, unless otherwise provided by law;
 2. (Amended, SG 133/1998) A general meeting of the respective college, when it is passing interpretive rulings on the application of the law in the event of incorrect or contradictory judicial practice.
- (2) (New, SG 133/1998) Where, upon hearing the case, the Supreme Court of Cassation finds that the applicable statute is contrary to the Constitution, it shall suspend its proceedings and seize the Constitutional Court with the matter.

Article 85

- (1) The general meeting of each of the colleges shall consist of the judges in the colleges.
- (2) (Repealed, SG 133/1998)
- (3) (Amended, SG 133/1998) The Deputy Chief Prosecutor or a prosecutor of the Chief Prosecutors Office of Cassation shall also take part in the sittings of the general meeting”.
- (4) The sittings of the general meeting for passing interpretive rulings shall be attended by the Chief Prosecutor or a deputy of his, as well as by the Chairman or a member of the Supreme Barristers' Council, who may express opinions.
- (5) The Minister of Justice and European Legal Integration shall participate *ex officio* in the proceedings of the general meetings of the Supreme Court of Cassation colleges, expressing an opinion.
- (6) The Chairman of the Supreme Court of Cassation or the respective deputy-chairman may invite the chairmen of the courts of appeal, other judges, and outstanding specialists in the legal theory and practice to attend the sittings of the general meeting and to express opinions. Those invited do not vote when decisions are passed.

Article 86

- (1) Proposals for interpretive rulings shall be made by the Chairman of the Supreme Court of Cassation, by the Minister of Justice, and by the Chief Prosecutor.

- (2) The interpretive rulings shall be binding on the judicial and executive authorities.

Article 87

The general meeting may sit in case at least two-thirds of the judges in the college are present. Decisions shall be passed by simple majority, and when interpretive rulings are passed -- by simple majority of the total number of the judges in the college.

Article 88

- (1) The plenum shall consist of all judges in the Supreme Court of Cassation.
- (2) The plenum shall sit in case two-thirds of the total number of the judges are present. Decisions shall be passed by simple majority of those present.

Article 89

The plenum of the Supreme Court of Cassation shall:

1. Determine the number and the membership of the Supreme Court of Cassation departments;
2. Discuss annually the report of the Chairman on the activities of the Supreme Court of Cassation;
3. (Repealed, SG 133/1998);
4. Designate, for a term of two years, those judges from among its members, who are to conduct audits of the judges in the Supreme Court of Cassation.

Article 90

- (1) The Chairman of the Supreme Court of Cassation shall:
1. Exercise the organizational guidance of the Supreme Court of Cassation activities, and represent it;
 2. Convene and chair the sittings of the Supreme Court of Cassation plenum;
 3. Make proposals on making interpretive rulings;
 4. Propose to the plenum, jointly with the deputy-chairmen, the distribution of the judges among the colleges and departments;
 5. Appoint and dismiss the court staff.
- (2) The deputy-chairman of the Supreme Court of Cassation, in the order of seniority, shall perform the functions of the Chairman, when he is not in a position to perform them, or when he delegates this performance.

Part Eight

Supreme Administrative Court

Article 91

- (1) The Supreme Administrative Court shall be the supreme judicial instance in administrative justice for exercising the supreme judicial supervision for the accurate and equal application of the laws. Its jurisdiction shall cover the entire territory of the Republic of Bulgaria.
- (2) The seat of the Supreme Administrative Court shall be in Sofia.

Article 92

- (1) The Supreme Administrative Court shall be cassation instance for the judicial acts of all courts as regards the legality of administrative acts.
- (2) The Supreme Administrative Court shall be the sole instance which shall rule on disputes as to the legality of the acts of the Council of Ministers and of the ministers, as well as of other acts which are specified by law as subject to appeal before the Supreme Administrative Court only.

Article 93

- (1) (Amended, SG No. 122/1997) The Supreme Administrative Court shall consist of two colleges with departments thereof.
- (2) (Amended, SG No. 122/1997) The Supreme Administrative Court shall have two deputy-chairmen who, together with the chairman shall direct the colleges.
- (3) There shall be a prosecutor's office, headed by a Deputy- Chief Prosecutor, with the Supreme Administrative Court.

Article 94

In case the office of a judge in the Supreme Administrative Court is not filled or a judge is prevented from discharging his duties, as well as for other lawful reasons, and this judge can not be substituted for by another judge in the same court, the Chairman of the Supreme Administrative Court may commission a judge from an appellate or district court with the corresponding rank to substitute for him.

Article 95

The Supreme Administrative Court shall sit in a panel of:

1. Three judges – when it hears:
 - (a) disputes on complaints against non-legislative acts of Ministers and against other acts specified by law as subject to appeal before the Supreme Administrative Court;
 - (b) disputes in its capacity of a cassation instance against decisions of regional courts;
2. Five judges – when it hears:
 - (a) disputes on the legality of regulations;
 - (b) disputes in its capacity of a cassation instance against decisions ruled by a three member panel of the Supreme Administrative Court;
3. (Amended, SG 133/1998) A general meeting of the appropriate college in the Supreme Administrative Court - when it passes interpretive rulings on the application of the law in administrative justice in the event of incorrect or contradictory judicial practice.

Article 96

- (1) Prosecutors from the Prosecutor's Office with the Supreme Administrative Court shall also take part in the sittings of the judges' general meeting, expressing an opinion.
- (2) The sittings of the general meeting for passing interpretive rulings shall be attended by a deputy of the Chief Prosecutor or another prosecutor from the Prosecutor's Office under the Supreme Administrative Court, as well as by the Chairman or a member of the Supreme Barristers' Council, who may express opinions.
- (3) The Minister of Justice shall participate *ex officio* in the proceedings of the general meetings of the Supreme Administrative Court judges, expressing an opinion.
- (4) The Chairman or the Deputy-Chairman of the Supreme Administrative Court may invite judges from the district courts, and outstanding specialists in the legal theory and practice to attend the sittings of the general meeting and to express opinions. Those invited do not vote when decisions are passed.

Article 97

- (1) Proposals for interpretive rulings shall be made by the Chairman of the Supreme Administrative Court, by the Minister of Justice, by the Chief Prosecutor, and by the Deputy-Chief Prosecutor of the Prosecutor's Office with the Supreme Administrative Court.
- (2) The interpretive rulings shall be binding on the judicial and executive authorities.

Article 98

The general meeting of the Supreme Administrative Court judges shall sit in case at least two-thirds of them are present. Decisions shall be passed by simple majority, and when interpretive rulings are passed -- by simple majority of the total number of all the judges.

Article 98a. (New, SG 133/1998)

- (1) The general meeting of each of the colleges shall be made up of the member judges.
- (2) The general meeting may not proceed unless a minimum of two thirds of the member judges are present. Decisions shall be made by simple majority.

Article 99

- (1) The plenum shall consist of all judges in the Supreme Administrative Court.
- (2) The plenum shall sit in case two-thirds of the total number of the persons under para. 1 are present. Decisions shall be passed by simple majority of those present.
- (3) The plenum of the Supreme Administrative Court shall:

1. Determine the number and the membership of the Supreme Administrative Court departments;
2. Discuss annually the report of the Chairman on the activities of the Supreme Administrative Court;
3. Designate, for a term of two years, those judges from among its members, who are to conduct audits of the judges in the Supreme Administrative Court.

Article 100

- (1) The Chairman of the Supreme Administrative Court shall:
 1. Exercise the organizational guidance of the Supreme Administrative Court activities, and represents it;
 2. Convene and chair the sittings of the judges' general meeting and of the Supreme Administrative Court plenum;
 3. Make proposals on passing interpretive rulings;
 4. (Amended, SG No. 122/1997) Propose to the plenum, jointly with the Deputy-chairmen, the distribution of the judges among the colleges and departments;
 5. Appoint and dismiss the court staff.
- (2) (Amended, SG No. 122/1997) The Deputy-Chairman of the Supreme Administrative Court by seniority shall perform the functions of the Chairman, when he is not in a position to perform them or delegated this performance.

Chapter Six COURT HEARINGS

Article 101

- (1) The courts shall try the cases at open court hearings, except where otherwise provided by law.
- (2) The judges shall announce their acts under the terms and procedures, and within the periods established by law.

Article 102

- (1) The hearings shall be held in the court-house at the seat of the court.
- (2) (Amended, SG 133/1998) Court hearings may be held outside the seat of the court. The instruction for that shall be issued by the chairman of the court.
- (3) The judges and the prosecutors shall sit in gowns.
- (4) The military judges, prosecutors, and investigators shall work in military uniform.
- (5) Jurors shall sit in attire prescribed by the regulation referred to in Art. 51.

Article 103

- (1) The court hearing shall be chaired by the chairman of the court panel who shall attend to the order, and his orders shall be binding upon all persons in the court-room.
- (2) The chairman of the court panel may sanction the disturbers of the order in accordance with the procedural law.

Article 104

The chairman of the court panel shall be the most senior judge among its members, in accordance with the provisions of this Act on seniority.

Article 106

The records of the proceedings shall be prepared in the Bulgarian language, and if some foreign language phrases or words are of particular importance for the case, their entering in the records of the proceedings may be allowed.

**Chapter Seven
OATH**

Article 107

Upon initially assuming office, each judge shall take the following oath: "In the name of the people, I take my oath that I shall strictly abide by the Constitution and the laws of the Republic of Bulgaria; I shall discharge my duties according to my conscience and inner conviction; I shall be impartial, objective, and fair; I shall contribute to raising the prestige of the profession; I shall keep the secret of the deliberation, always remembering that I am responsible before the law for everything. I have taken my oath!"

Article 108

Upon initially assuming office, each prosecutor and investigator shall take the following oath: "In the name of the people, I take my oath that I shall strictly abide by the Constitution and the laws of the Republic of Bulgaria; I shall discharge my duties according to my conscience and inner conviction; I shall be impartial, objective, and fair; I shall contribute to raising the prestige of the profession; I shall keep the official secret, always remembering that I am responsible before the law for everything. I have taken my oath!"

Article 109

(Amended, SG 104/1996) Upon initially assuming office, each bailiff and recordation judge shall take the following oath: "In the name of the people, I take my oath that I shall strictly abide by the Constitution and the laws of the Republic of Bulgaria; I shall discharge my official duties honestly and in good faith; I shall keep the secret of the cases entrusted to me, always remembering that I am responsible before the law for everything. I have taken my oath!"

Article 110

- (1) The oath shall be taken before the judges, prosecutors, and investigators of the respective body of the Judiciary. After the oath has been taken, a writ of oath shall be signed.
- (2) The persons who have refused to take the oath shall not assume office.

**Chapter Eight
PROSECUTOR'S OFFICE**

Article 111 (Amended, SG 133/1998)

- (1) The prosecutors in the Republic of Bulgaria shall comprise: the Chief Prosecutor, the Chief Prosecutor's Office of Cassation, the Chief Administrative Prosecutor's Office, appellate prosecutor's offices, martial- appellate prosecutor's offices, district prosecutor's offices, martial-district prosecutor's offices and regional prosecutor's offices.
- (2) The body of prosecutors shall be headed by the Chief Prosecutor, who shall be assisted in his activities by the Deputy Chief Prosecutors of the Chief Prosecutor's Office of Cassation and the Chief Administrative Prosecutor's Office.
- (3) The Chief Prosecutor's Office of Cassation shall have a Council for Criminological Surveys.

Article 112

The prosecutor's office shall be unified and centralized. Each prosecutor shall be subordinated to another prosecutor immediately superior in office, and all prosecutors shall be subordinated to the Chief Prosecutor.

Article 113

- (1) (Repealed, SG 133/1998)
- (2) In discharging their duties, the military prosecutors and investigators shall be independent of the military authorities.
- (3) (Repealed, SG 133/1998)

Article 114

- (1) The Chief Prosecutor shall exercise supervision on legality, and shall provide methodological guidance of all prosecutors' activities. He may seize the Constitutional Court.

- (2) (Amended, SG 133/1998) The Chief Prosecutor shall organize and allocate the work among the deputy-Chief Prosecutors, and shall appoint and dismiss the staff of the prosecutor's offices of the Supreme Court of Cassation and the Supreme Administrative Court.
- (3) (Amended, SG 133/1998) The Chief Prosecutor shall be entitled to delegate powers of his to the Deputy Chief Prosecutors of the Supreme Court of Cassation and the Supreme Administrative Court, if so provided by statute.
- (4) (Amended, SG 133/1998) The heads of the other prosecutor's offices shall organize and direct their activities, and appoint and dismiss their staff.
- (5) (New, SG 133/1998) The prosecutor's office is a body corporate funded from the government budget and registered in Sofia.
- (6) The Chief Prosecutor shall prepare an annual report on the work of the public prosecution and submit it to the Minister of Justice so that it could be incorporated in the annual report under Art. 27, para 10, item 10.

Article 115

- (1) The Chief Prosecutor, in person or through prosecutors designated by him, shall conduct audits and control the activities of all prosecutors.
- (2) The prosecutors from the appellate and the district prosecutor's offices shall conduct audits and control the activities of the prosecutors in the immediately subordinated prosecutor's offices.
- (3) At the end of each quarter, the regional, district and appellate prosecution offices shall prepare and provide to the Inspectorate at the Ministry of Justice information concerning the institution and progress of the files.

Article 116

- (1) (Amended, SG 133/1998) All acts and measures of the prosecutor may be appealed before the immediately superior prosecutor's office unless they are subject to judicial review.
- (2) (Amended, SG 133/1998) The prosecutor who is superior in office may take actions included in the competencies of the prosecutors subordinated to him, and stay and rescind their injunctions in writing in such cases as may be prescribed by law.
- (3) The orders in writing of the prosecutor, who is superior in office, shall be binding on the prosecutors subordinated to him.
- ~~(4) (New, SG 133/1998) The prosecutor's office may not terminate criminal proceedings. Where it appears to the prosecutor that the criminal prosecution must be discontinued, he shall immediately refer the matter to the court which shall dispose of it in the manner prescribed by the Code of Criminal Procedure.~~
- ~~(5) (New, SG 133/1998) The prosecutor's order suspending criminal proceedings for any period longer than three months shall be subject to appeal before the court in the manner prescribed by the Code of Criminal Procedure.~~

Article 117

In carrying out their activities, the prosecutors are independent of the court.

Article 118

The prosecutor's office shall monitor the observance of legality by:

1. Indicting the persons who have committed crimes, in accordance with the procedure and within the time limit laid down by the law, and supporting the prosecution in criminal cases of a public nature;
2. Exercising supervision on the carrying out of punitive measures and other measures of compulsion;
3. (Amended, SG 133/1998) Taking actions to rescind illegal acts and to restore in emergency circumstances, rights arbitrarily violated;
4. Participating in civil and administrative cases in the events provided by law.

Article 119

- (1) In the discharge of the functions provided by law, the prosecutor may:
 1. Require documents, data, explanations, expert opinions, and other materials;
 2. Conduct personal inspections;

3. In case of existence of data on crimes or illegal acts and actions, to commission relevant bodies to conduct inspections and audits in a period specified by him and submit their findings, as well as all materials, if so requested;
 4. Summon citizens, and upon non-appearance without excuse to order them brought in;
 5. Send the materials to the competent body, in case he establishes that there are grounds for indictment or for taking compulsive administrative measures, which he personally can not take;
 6. Take all measures provided by law, if data are available that a crime of a general nature or another offence against the law may have been committed.
- (2) (Amended, SG 133/1998) The prosecutor's orders issued in accordance with his competence and the law are binding on the officials and the citizens.
- (3) The state bodies, organizations, and officials shall cooperate with the prosecutor in the exercise of his powers, and shall provide him access to the relevant premises and places.
- (4) Within the framework of his competence, the prosecutor may give compulsory instructions to the police.
- (5) The prosecutor may lodge protests and may request the repeal or amendment of illegal acts, within the period and under the terms and procedures provided by law. He can stay the implementation of the act until the review of the protest by the respective body.
- (6) In exercising the control on legality on carrying out of punishment, of the other measures of compulsion, and in the places of detention, the prosecutor may:
1. Visit, without the preliminary permission of the administration, the places of detention, imprisonment, and carrying out of other measures of compulsion, and check the documents on the basis of which persons are detained;
 2. Talk in private with the detained and the inmates;
 3. Consider suggestions, signals, appeals, and applications in connection with the carrying out of punishment and the other measures of compulsion provided by law;
 4. Instruct, in writing, the bodies in charge of the carrying out of punishment and the administration of carrying out of the other measures of compulsion to notify him of specified deeds, acts, and events.
- (7) For the removal and prevention of the offences under para. 6, the prosecutor may:
1. Releases immediately everyone who has been illegally detained in the places of imprisonment and of carrying out of the other measures of compulsion;
 2. Give binding instructions, in writing, for the removal of established offences;
 3. Stay the carrying out of illegal written orders and instructions of officials, and require their revocation under the relevant terms and procedures.

Article 120

If this is required in the interest of official work, appellate prosecutors and district prosecutors, with respect to their districts, and the Chief Prosecutor, with respect to the whole country, may second prosecutors under the conditions laid down in Articles 55, 62, 70, 78, 83 and 94.

Chapter Nine INVESTIGATION SERVICES

Article 121

- (1) The investigators shall conduct a preliminary investigation of criminal cases where provided by law.
- (2) The investigators' orders in connection with the preliminary investigation shall be binding on all state bodies, legal persons, and citizens.
- (3) In the discharge of their duties, the investigators shall provide procedural guidance to the bodies entrusted with individual procedural tasks or functions in the criminal proceedings.

Article 122

- (1) There shall be the following investigation services in the Republic of Bulgaria: a National Investigation Service and district investigation services.
- (2) The National Investigation Service shall carry out administrative and financial management, and provide methodological guidance to the investigation services.

- (3) The National Investigation Service shall be a legal entity funded through the State budget and having its seat in Sofia.
- (4) The National Investigation Service shall be headed by a director who shall:
1. represent the National Investigation Service;
 2. make a proposal before the Supreme Judicial Council to determine the number of investigators, and for their appointment, promotion, demotion, transfer and removal;
 3. present to the Supreme Judicial Council a draft budget for the investigation services;
 4. carry out administrative, methodological and financial management of the investigators;
 5. organise and control the operations of criminal investigation;
 6. be responsible for the work of the investigation services;
 7. appoint and remove from office the officials of the National Investigation Service;
 8. appoint a committee under Art. 129, para 2.
9. draft an annual report of the work of the investigation services and submit it to the Minister of Justice so that it could be incorporated in the annual report under Art. 27, para 1, item 10. (2)
(Amended, SG 133/1998) There is established a Specialized Investigation Service which shall in such circumstances as may be prescribed by law conduct investigations in cases of particular factual or legal complexity within the national territory, as well as in cases of crimes committed abroad or in such cases as are commenced in pursuance of legal assistance agreements with other countries.
- (5) The National Investigation Service shall, in the cases provided for by law, investigate cases that are particularly complex from a factual and legal point of view, in the territory of the country, and cases for crimes committed abroad or instituted under mutual legal assistance agreements with other countries.
- (6) At the National Investigation Service, a Financial and Administrative Department, and a Criminal Investigation Department shall be set up, whereas at the district investigation services departments shall be set up for the investigation of specific cases, and departments to support the investigation work.

Article 123 (Amended, SG 133/1998)

- (1) The district investigation services shall be legal entities and shall be managed by directors.
- (2) The directors shall:
1. represent the investigation services;
 2. present a draft budget for the respective investigation service to the National Investigation Service;
 3. carry out the administrative, methodological and financial management of the investigators at the respective service;
 4. be responsible for the work of the respective investigation service;
 5. make a proposal under Art. 30, para 1, item 8(c) and (d), and item 9;
 6. appoint and remove from office the officials at the respective investigation service;
 7. prepare an annual report of the work of the investigation service which they shall submit to the Director of the National Investigation Service;
 8. prepare and provide to the Inspectorate at the Ministry of Justice, at the end of every six-month period, information concerning the institution and progress of the cases.
- (3) The Directors of investigation services may delegate some of their powers to deputy-directors, unless otherwise provided by statute.”
- (4) The district investigation services shall be legal entities.

Chapter Ten
STATUS OF THE JUDGES, PROSECUTORS, AND INVESTIGATORS

Part One
Appointment

Article 124

- (1) (Amended, SG 133/1998) The judges, prosecutors, and investigators shall be appointed, promoted, demoted, moved, and dismissed by a decision of the Supreme Judicial Council, on the basis of which the relevant act shall be issued by the persons, specified under Art. 30, para. 4.

- (2) (Amended, SG 133/1998) Those appointed to the offices under para. 1 in the courts-martial shall be enlisted in career military service, and officers' ranks shall be conferred upon them.

Article 125

There shall be the following judges', prosecutors' and investigators' positions:

1. judge at the Supreme Court of Cassation and at the Supreme Administrative Court, prosecutor at the Supreme Prosecution Office of Cassation and at the Supreme Administrative Prosecution Office, and investigator at the National Investigation Service;
2. judge at a court of appeal, prosecutor at an appellate prosecution office;
3. judge at a district court, prosecutor at a district prosecution office and investigator at a district investigation service;
4. judge at a regional court and prosecutor at a regional prosecution office;
5. junior judge and junior prosecutor.

Article 125a

- (1) A judge, prosecutor or investigator may be appointed an administrative leader at the bodies of the Judiciary.
- (2) There shall be the following administrative leaders of the bodies of the Judiciary:
 1. President of the Supreme Court of Cassation, President of the Supreme Administrative Court, Chief Prosecutor, Director of the National Investigation Service;
 2. Vice-President of the Supreme Court of Cassation, Vice-President of the Supreme Administrative Court, Deputy Chief Prosecutor at the Supreme Prosecution Office of Cassation and Deputy Chief Prosecutor at the Supreme Administrative Prosecution Office, Deputy Director of the National Investigation Service;
 3. president of division at the Supreme Court of Cassation and at the Supreme Administrative Court; head of department at the Supreme Prosecution Office of Cassation and at the Supreme Administrative Prosecution Office, head of department at the National Investigation Service;
 4. president of a court of appeal, appellate prosecutor;
 5. vice-president of a court of appeal, deputy appellate prosecutor and deputy head of department at the National Investigation Service;
 6. president of a district court, district prosecutor and director of a district investigation service;
 7. vice-president of a district court, deputy district prosecutor, deputy director of a district investigation service;
 8. president of a regional court, regional prosecutor;
 9. vice-president of a regional court and deputy regional prosecutor.
- (3) The leaders under para 2, items 3-9 shall be appointed for a term of five years, under the procedure laid down in the law, and may not be appointed for more than two sequential terms of office.
- (4) The leaders under para 2, item 2 shall be appointed for a term of seven years but for not more than the term for which the respective leader under para 1, item 1 occupies his office, and shall not be entitled to a second term of office.
- (5) The persons under para 2 may be removed as leaders before expiry of the term for which they were appointed on the grounds listed in Art. 131, para 1. In such a case the proposal shall be made at the request of the respective body under Art. 30 or by one fifth of the members of the Supreme Judicial Council or by the Minister of Justice.
- (6) Upon expiry of the term of office and upon removal as a leader before expiry of the term of office, the person shall retain his position as a judge, prosecutor or investigator under Art. 125, and his status of irremovability.
- (7) A judge, prosecutor or investigator who has served a term of office as an administrative leader under para 2 shall, upon expiry of the term of office, retain the remuneration of an administrative leader with the respective rank, unless he was removed in accordance with para 5 or Art. 29, para 1.
- (8) The general meetings to propose the leaders under para 2 for whose appointment election is required under Art. 30 shall be held three months before expiry of the term under para 3, at the latest.

(9) Paragraphs 3-5 and 8 shall not apply to the President of the Supreme Court of Cassation, to the President of the Supreme Administrative Court and to the Chief Prosecutor.

Article 126

- (1) Appointed as judge, prosecutor, and investigator may be only a person who has only Bulgarian citizenship and meets the following requirements:
 1. To have completed higher legal education;
 2. To have passed the required post-graduate training and to have acquired a legal capacity;
 3. (Amended, SG 133/1998) Not to have been convicted to imprisonment for a premeditated crime of public nature, regardless of rehabilitation;
 4. To have the required moral and professional qualities.
- (2) The assessment under para 1, item 4 shall be made in accordance with the Code of Ethics for Judges, Prosecutors and Investigators

Article 127 (Amended, SG 133/1998)

- (1) A person who has a record of service of at least two years may be appointed judge in a regional court and prosecutor in a regional prosecutor's office, as well as investigator in a district court investigation service. As an exception, a person without the required record of service may be appointed.
- (2) A person who has a record of service of at least five years may be appointed judge in a district court and prosecutor in a district prosecutor's office as a judge, prosecutor, investigator, attorney or inspector under Art. 36.
- (3) A person who has a record of service of at least eight years may be appointed judge in a court of appeal, prosecutor in an appellate prosecutor's office, investigator in department of the Specialized Investigation Service of the Sofia City Court, of which five years as a judge, prosecutor, investigator, attorney or inspector under Art. 36.
- (4) Shall be appointed judge at the Supreme Court of Cassation and the Supreme Administrative Court, prosecutor at the Supreme Prosecution Office of Cassation and at the Supreme Administrative Prosecution Office and investigator at the National Investigation Service a person who has a work record of at least 12 years, of which eight years as a judge, prosecutor, investigator, attorney or inspector under Art. 36.
- (5) The work record obtained at a position or in a profession for which a degree in law is required, including the record of persons working as coroners within the system of the Ministry of Interior, shall be recognised as a general work record under paragraphs 1-4 of this law.
- (6) The requirements under para 3 shall also apply to the leaders of district courts, prosecution offices and investigation services, whereas the requirements under para 4 shall apply to the leaders of courts of appeal, appellate prosecution offices and the National Investigation Service.
- (7) The requirements under paragraphs (2)—(6) shall be applied respectively also to the heads of the district courts, the district prosecutor's offices, the investigation services of district courts, the courts of appeal, the appellate prosecutor's offices, the President of the Supreme Court of Cassation, the President of the Supreme Administrative Court, the Chief Prosecutor, and the Deputy Chief Prosecutors."

Article 127a

- (1) Junior judges, junior public prosecutors, regional judges, prosecutors at regional prosecution offices and investigators at district investigation services shall be appointed after a contest has been held, if there is no applicant for the respective position who has successfully graduated from the National Institute of Justice.
- (2) The Supreme Judicial Council shall announce a centralised contest in the State Gazette, while determining the number of positions and the body of the Judiciary in which they are available.
- (3) When contests for an initial appointment to the positions under para 1 are held, the applicants must meet the requirements of Articles 126 and 127, and have a level of theoretical knowledge

corresponding to a total score of 9 (nine) points composed of the total score at semester exams and the total score at the final exams.

(4) The procedure and the conditions for carrying out the contest shall be laid down by the Supreme Judicial Council.

(5) The respective leader under Art. 30 shall, within one week, present a proposal to the Supreme Judicial Council to appoint the applicant having won the contest.

Article 127b

(1) Every applicant can challenge the legality of the contest before the Supreme Judicial Council within seven days as from the announcement of the results.

(2) The decision of the Supreme Judicial Council on the legality of the contest shall be subject to an appeal before the Supreme Administrative Court within fourteen days as from the notification.

(3) In the event of a decision to annul the contest which has come into effect, a new contest shall be scheduled and held within one month.

Article 127c

By a decision of the Supreme Judicial Council, a contest may be scheduled also for positions other than those listed in Art. 127a, para 1, in accordance with the above provisions, in the event of an initial taking of office in the judicial system.

Article 128

(Amended, SG 133/1998) The Chairman of the Supreme Court of Cassation, the Chairman of the Supreme Administrative Court, the Chief Prosecutor shall be appointed and dismissed by the President of the Republic of Bulgaria, upon the proposal of the Supreme Judicial Council.

Part Two

Irremovability and Incompatibility

Article 129

(1) Judges, prosecutors and investigators shall become irremovable upon completion of three years of service in the office they hold in the courts, prosecution offices or investigation services. This term shall not include the time served as a junior judge or junior prosecutor.

(2) At least three months before expiry of the three-year time limit under para 1, judges, prosecutors and investigators shall be evaluated by a committee appointed accordingly by the president of the respective court of appeal, by the appellate prosecutor or by the Director of the National Investigation Service with respect to judges at regional, district and appellate courts, to prosecutors at regional, district and appellate prosecution offices, and to investigators at district investigation services.

(3) The evaluation under para 2 of judges at the Supreme Court of Cassation and the Supreme Administrative Court, prosecutors at the Supreme Prosecution Office of Cassation and the Supreme Administrative Prosecution Office, and investigators at the National Investigation Service, shall be made by a committee appointed by the respective leader.

(4) The following elements shall be taken into consideration for the purpose of evaluation:

1. the opinion of the direct superior who shall make an evaluation every year after the appointment;
2. number, complexity and seriousness of the proceedings closed;
3. observance of statutory and recommended time limits;
4. quality of carrying out the respective proceedings and of the orders drafted;
5. motivation to work in the judicial system and team integration;
6. incentives and sanctions during the period in question.

(5) The procedure for the evaluation, as well as additional criteria for evaluation shall be set by the Supreme Judicial Council.

- (6) If there are no applicants for the respective position, retired judges, prosecutors and investigators may be appointed judges, prosecutors and investigators but they shall not become irremovable.
- (7) A judge, prosecutor or investigator shall be removed from the position taken in accordance with para 4, if the Supreme Judicial Council appoints to the same position a person who has not been removed from office under Art. 131, para 1, item 1.

Article 130

- (1) Judges, prosecutors and investigators may not be seconded for more than three months in the course of one calendar year without their written consent.
- (2) At the time when a judge, prosecutor or investigator is seconded to take an office higher than the position he occupies, he shall receive the respective higher remuneration.
- (3) Pregnant women and mothers with children below the age of 3 may not be seconded without their explicit written consent.

Article 131

- (1) Judges, prosecutors, and investigators shall be dismissed in case of:
1. Retirement;
 2. Resignation;
 3. (Amended, SG 133/1998) Conviction to imprisonment for a premeditated crime committed;
 4. Durable actual impossibility of discharging their official duties for more than a year, established under the relevant terms and procedures of public nature;
 5. Absence of qualities to discharge their professional duties;
 6. Disciplinary dismissal;
 7. Return of the person who has been substituted for;
 8. Reinstatement of a person who has been illegally dismissed.
- (2) The evaluation under Art. 129, para 2 shall be presented to the Supreme Judicial Council via the respective body under Art. 30 two months before expiry of the three-year time limit under Art. 129, para 1, at the latest.
- (3) Where the evaluation suggests a judge's prosecutor's or investigator's lack of abilities to fulfil his professional duties, it shall be deemed a proposal for his removal on grounds of para 1, item 5.
- (4) An evaluation made shall not prevent the respective body under para 30 from making a proposal for removal on the same ground.
- (5) The Supreme Judicial Council shall pronounce on the evaluation within one month as from its receipt, after having heard the respective judge, prosecutor or investigator.
- (6) The Supreme Judicial Council shall pronounce by means of a decision which shall be subject to appeal before the Supreme Administrative Court.
- (7) The irremovable judges, prosecutors, and investigators shall be dismissed on the grounds, specified under items 1 - 4 of para. 1.
- (8) A proposal to dismiss an irremovable judge, prosecutor or investigator on grounds of para 1, items 1-4 shall be made by the respective body under Art. 30 or by one fifth of the members of the Supreme Judicial Council or by the Minister of Justice.

Article 131a

- (1) Where the respective body under Art. 30 or the Minister of Justice establishes that an irremovable judge, prosecutor or investigator no longer possesses the required abilities to fulfil his professional duties, it/he shall present a proposal to the Supreme Judicial Council to demote that judge, prosecutor or investigator to another corresponding position in the same town which can be at most two degrees lower than the position currently occupied. Such a proposal may also be made at the request of more than one fifth of the members of the Supreme Judicial Council.
- (2) The Supreme Judicial Council shall compose out of its members a committee to carry out an inspection under para 1 which shall be given the task to clarify specific circumstances relating to the assessment of the abilities to fulfil the professional duties.
- (3) The rules of Articles 173, 176, 177 and 181 shall apply accordingly to the procedure referred to in paragraphs 1 and 2.

- (4) The Supreme Judicial Council shall pass a decision to demote the judge, the prosecutor or the investigator by a majority of more than half of its members, by secret ballot.
- (5) The decision may be appealed against before the Supreme Administrative Court by the demoted judge, prosecutor or investigator, by the proposer, by any member of the Supreme Judicial Council and by the Minister of Justice within fourteen days as from the date of the meeting at which it was announced, for those who were present at that meeting, or from the date of notifying the decision, in any other case.
- (6) The Supreme Administrative Court Act and Articles 181 and 182 below shall apply to the proceedings before the Supreme Administrative Court.
- (7) The confirmed decision of the Supreme Judicial Council shall be enforced within fourteen days of the of the judgement of the Supreme Administrative Court.
- (8) Failure to enforce, in the time limit under para 7, a decision of the Supreme Judicial Council confirmed by the Supreme Administrative Court for a reason attributable to the person demoted shall be deemed resignation under Article 131, para 1, item 2.
- (9) Where the decision appealed against is annulled and the judgement of the court has entered into force, the judge, prosecutor or investigator shall be reinstated within fourteen days after filing an application for reinstatement with the Supreme Judicial Council.

Article 132

- (1) As long as they hold their office, the judges, prosecutors, and investigators may not:
 1. Be members of Parliament, ministers, deputy ministers, mayors, and municipal councillors;
 2. (Amended, SG 133/1998) Practice as barristers or solicitors;
 3. Hold elected or appointed office in state, municipal, or economic bodies;
 4. Carry out commercial activities as sole proprietors, partners with unlimited liability in commercial companies, be managers or participate in supervisory, managing ~~or directors'~~ boards, controlling bodies of companies and cooperatives;
 5. (Amended, SG 133/1998) Provide services under contract with state or public organisations, companies, co-operatives, natural persons and sole proprietors, except research and academic services, participation in the drafting of legislative instruments or relating to the exercise of copyright.
- (2) (Amended, SG 133/1998) When discontinuing their stay in office, the persons under para. 1, item 1 shall be reinstated, within fourteen days as from filing an application with the Supreme Judicial Council for their reinstatement, in the office they have held before and the time in office shall be recognised as length of service for the purposes of Article 127(1)—(5).

Part Three Rights and Duties

Article 133

In exercising their powers, the judges, prosecutors, and investigators may require cooperation from all state bodies, officials, organizations, and citizens who shall provide it.

Article 134

- (1) The judges, prosecutors, and investigators shall enjoy the immunity of members of Parliament. The Supreme Judicial Council shall divest a judge, prosecutor, or investigator of immunity in case sufficient data are available of the commitment of a crime of a public nature.
- (2) The judges, prosecutors, and investigators may not be detained, except for a severe crime, and then with the permission of the Supreme Judicial Council. A permission for detaining a judge, prosecutor or investigator is not required in case he is found at the scene of a committed by him severe crime, but in this case the Supreme Judicial Council shall be immediately notified, and in the event that it is not in session, the Minister of Justice shall be notified.
- (3) With regard to divesting of immunity and detaining, the Chief Prosecutor shall make a request stating reasons to the Supreme Judicial Council.

Article 135

The judges, prosecutors, and investigators shall not bear civil liability for damages they have inflicted while discharging their official duties, unless their actions constitute a crime.

Article 136

- (1) The judges and jurors shall keep the secret of the deliberation when cases are settled.
- (2) The judges, prosecutors, and investigators shall keep as official secret the data which they have come to know by way of their office and which affects the interests of citizens, legal persons, and the State.

Article 137

The judges, jurors, prosecutors, and investigators shall not be entitled to express preliminary opinions on the cases entrusted to them, as well as opinions on cases which have not been entrusted to them.

Article 138

The judges, prosecutors, and investigators shall not be entitled to give legal advice.

Article 139

- (1) (Amended, SG 133/1998) The Chairmen of the Supreme Court of Cassation and the Supreme Administrative Court, the Chief Prosecutor, and the Director of the National Investigation Service shall receive a base monthly salary equal to 90 per cent of the remuneration of the Chairman of the Constitutional Court.
- (2) (New, SG 133/1998) The base monthly salary for the lowest rank of judge, prosecutor, and investigator shall be equal to double the amount of the average monthly salary in the budget funded public services sector according to statistics provided by the National Institute of Statistics.
- (3) The remuneration for the other positions in the bodies of the Judiciary shall be set by the Supreme Judicial Council.
- (4) A judge, prosecutor or investigator who fulfils his official duties on days off and on bank holidays shall, by an order of the respective leader, receive additional remuneration of an amount set by the Supreme Judicial Council.

Article 139a (New, SG 133/1998)

Judges, prosecutors, and investigators shall receive an annual official clothing allowance equal to double the amount of the average monthly salary in the budget funded public services sector, and that allowance shall not be taxable. The same shall apply for judicial staff, except that the allowance shall be equal to half of that paid to judges, prosecutors, and investigators.

Article 139b. (New, SG 133/1998)

- (1) There shall be allocations on the annual budget of the judicial system to the development of official residential housing stock.
- (2) Judges, prosecutors and investigators shall be provided with medical services and conditions for recreation under a procedure and conditions set by the Council of Ministers.

Article 139c. (New, SG 133/1998)

- (1) The compulsory social security and health insurance contributions for judges, prosecutors, investigators and court officials shall be covered by the budget of the Judiciary.
- (2) Judges, prosecutors, and investigators shall receive accident insurance coverage to be funded from the judicial system budget.

Article 139d. (New, SG 133/1998)

- (1) A judge, prosecutor or investigator having more than ten years of service as a judge, prosecutor or investigator shall, upon removal from office and regardless of the ground for such removal, save for disciplinary dismissal, be entitled to a one-off cash indemnity amounting to as many gross monthly salaries as the number of years he served at the bodies of the Judiciary, but to no more than 20 gross monthly salaries.
- (2) In the event of a subsequent removal from office, any indemnity received upon a previous removal shall be deduced from the indemnity due under para 1.
- (3) When a judge, prosecutor or investigator has deceased, the indemnity under para 1 shall be paid to his successors.

Article 139e

A judge, prosecutor or investigator who has been illegally dismissed shall be entitled upon reinstatement to an indemnity amounting to his gross remuneration for the time during which he was not in office but for no more than nine months. The amount of the indemnity shall be set on the basis of the remuneration for the position occupied as at the entry into force of the judgement recognising the dismissal illegal.

Article 139f

- (1) A judge, prosecutor or investigator re-appointed to another position entailing a change in town shall be entitled to have covered by the budget of the respective body of the Judiciary:
1. his travel expenses and those of the members of his family;
 2. the costs for the carriage of his household belongings;
 3. an indemnity amounting to the remuneration due for the days of travel and for two more days.
- (2) Paragraph 1 shall not apply where the change in town relates to a disciplinary sanction imposed.

Article 139g

The amounts referred to in Articles 139d and 139e shall not be taxable.

**Part Four
Temporary Removal from Office**

Article 140

The Supreme Judicial Council shall remove from office a judge, prosecutor or investigator who has been divested of immunity, up to the completion of the criminal proceedings.

Article 141

In case the criminal proceedings are terminated or end with a verdict of acquittal, the removed official shall be reinstated and his remuneration for the period when he was removed shall be paid to him.

**Part Five
On-the-job Promotion**

Article 142

- (1) (Amended, SG 133/1998) ~~The judges, prosecutors, and investigators bailiffs and recordation judges~~ may be promoted on the job with regard to rank and salary, in case they have proved their high qualifications and exemplary performance of their official duties, if they have served in the office in question or an equal office for at least three years.
- (2) (New, SG 133/1998) Any judge, prosecutor, investigator, bailiff, or recordation judge who meets the requirements under paragraph (1) may request to be promoted in rank and salary by filing such request with the appropriate person under Article 30 or directly before the Supreme Judicial Council.
- (3) The promotion of judges, prosecutors and investigators in rank and in salary shall take place after an evaluation under the procedure and conditions laid down in Art. 129.

Article 143(Amended, SG 133/1998)

- (1) The following ranks are established for judges, prosecutors and investigators:

1. for judges at the Supreme Court of Cassation and the Supreme Administrative Court, for a prosecutor at the Supreme Prosecution Office of Cassation and the Supreme Administrative Prosecution Office, and for an investigator at the National Investigation Service:
 - a) first rank: with a work record under Art. 127, para 5 of at least seventeen years of which at least six years as a judge, prosecutor or investigator;
 - b) second rank: with a work record under Art. 127 of at least fourteen years, of which at least three years as a judge, prosecutor or investigator;
 2. for judges at courts of appeal and prosecutors at appellate prosecution offices:
 - a) first rank: with a work record under Art. 127, para 5 of at least fourteen years, of which at least six years as a judge, prosecutor or investigator;
 - b) second rank: with a work record under art. 127, para 5 of at least eleven years, of which at least three years as a judge, prosecutor or investigator;
 3. for judges at district courts, for prosecutors at district prosecution offices and for investigators at district investigation services:
 - a) first rank: with a work record under Art. 127, para 5 of at least eleven years, of which at least six years as a judge, prosecutor or investigator;
 - b) second rank: with a work record under Art. 127, para 5 of at least eight years, of which at least three years as a judge, prosecutor or investigator;
 4. for judges at regional courts and prosecutors at regional prosecution offices:
 - a) first rank: with a work record under Art. 127, para 5 of at least eight years;
 - b) second rank: with a work record under Art. 127, para 5 of at least five years.
- (2) The work record needed to attain a rank under para 1 shall not include the record for obtaining a status of irremovability by judges, prosecutors and investigators under Art. 129, para 1.

Article 144(Amended, SG 133/1998)

On-time in-place promotion shall be effected in accordance with the rank of the judges, prosecutors, and investigators under Art. 143, up to two higher ranks.

Article 145

The judges, prosecutors, and investigators who have been dismissed, with the exception of the cases due to a sentence of imprisonment for a premeditated crime, shall retain the rank they had before leaving office, when they are subsequently reappointed.

Article 146

The seniority of judges, investigators and prosecutors shall be determined:

1. based on the managerial function they perform in the respective court, prosecution office or investigation service;
2. if they have the same managerial function, based on the rank into which they were promoted on the job;
3. if they have the same rank, based on the length of time served under Art. 127, para 5 and, with respect to members of the armed forces, based on their military rank;
4. if they have the same managerial function and rank, based on the length of time served while fulfilling the same managerial function;
5. if they have the same managerial function, rank and military rank, based on the length of time served while fulfilling the same managerial function.

Part Six

Training

Article 146a

- (1) The improvement of the knowledge and skills of judges, prosecutors, investigators, bailiffs and recordation judges, the training of persons in view of their obtaining the qualification to practice

- as a judge, prosecutor and investigator, and the improvement of the knowledge and skills of court officials, inspectors and other officers at the Ministry of Justice shall be carried out by a National Institute of Justice with the Ministry of Justice.
- (2) The curricula shall be approved by the Managing Board of the National Institute of Justice.
 - (3) Those having completed successfully the training courses or other training events at the institute shall enjoy priority in relation to other applicants for any appointment at the bodies of the Judiciary or when setting the amount of the individual remuneration or in the event of re-appointment and on-the-job promotion.
 - (4) The National Institute of Justice shall be a legal entity having its seat in Sofia and being a second-level budget spending unit with the Minister of Justice. The Institute shall be funded through the budget of the Ministry of Finance and through international programmes and projects.
 - (5) The National Institute of Justice shall be managed by a Managing Board composed of four representatives of the Supreme Judicial Council and three representatives of the Ministry of Justice. The Managing Board shall elect a director of the Institute under a procedure and conditions laid down in the Rules under para 7.
 - (6) Professional training may also be carried out by specialised legal associations - non-profit legal entities - approved by the Minister of Justice in co-ordination with the Supreme Judicial Council.
 - (7) The Minister of Justice shall, in co-ordination with the Supreme Judicial Council, issue Rules to regulate the operation of the National Institute of Justice, determine the composition of its Managing Board and the organisation of its work, and adopt criteria for determining the associations under para 6.

Chapter Eleven

JUNIOR JUDGES, JUNIOR PROSECUTORS AND ASSISTANT JUDGES

Article 147

- (1) A person, who meets the requirements under Art. 126, may be appointed junior judge and junior prosecutor.
- (2) The junior judges and the junior prosecutors shall be appointed by the Supreme Judicial Council for a term of three years.
- (3) The junior judges shall be appointed in a district court or a court-martial. The junior prosecutors shall be appointed in a regional, district, or military prosecutor's office.
- (4) When assuming office, the junior judges shall take the oath under Art. 107, and the junior prosecutors shall take the oath under Art. 108.

Article 148

- (2) The junior judges shall participate as members in the hearing of cases in a panel of judges. Only one junior judge may participate in the panel.
- (2) The steps undertaken and the acts issued by junior prosecutors shall be approved by a prosecutor at the respective prosecution office.
- (3) After serving for a year, the junior judges and the junior prosecutors may be commissioned to hold a judge's or prosecutor's office in a regional court or prosecutor's office respectively.

Article 148a

- (1) May be appointed assistant judge a person who meets the requirements under Article 126.
- (2) Assistant judges at the Supreme Court of Cassation and the Supreme Administrative Court shall be appointed by the Minister of Justice on a proposal from the President of the respective Court.
- (3) Upon completion of six months of training at the National Institute of Justice, the persons may be appointed assistant judges for the remainder of the time under Art. 167, para 3.

Chapter Twelve

BAILIFFS

Article 149

- (1) There are bailiffs in the regional courts.

- (2) At regional courts where there is no bailiff, the functions of a bailiff shall be performed by a regional judge designated by the president of the district court.

Article 150

- (1) A person who meets the conditions under Art. 126 may become bailiff.
- (2) The bailiff shall be appointed by the Minister of Justice , upon the proposal of the chairman of the respective district court.
- (3) If there are two or more applicants, the Minister of Justice shall schedule a contest for a bailiff by an order whereby he shall set the conditions of the contest. The order shall be published in the State Gazette.

Article 151

Upon assuming office, the bailiff shall take the oath under Art. 109. The provision of Art. 110 shall apply.

Article 152

- (1) The bailiff shall be dismissed by the Minister of Justice :
1. (New, SG 133/1998) upon retirement;
 2. (Renumbered, SG 133/1998) Upon his own request;
 3. (Renumbered, SG 133/1998) In case of a disciplinary offence;
 4. (Renumbered, SG 133/1998) In case of being convicted for the commitment of a crime of a general nature;
 5. (Renumbered, SG 133/1998) In case of a durable impossibility of discharging his official duties.
 6. In the event of lacking abilities to fulfil the professional duties.
- (2) The Minister of Justice may dismiss a bailiff against whom criminal proceedings for a crime of a general nature have been instituted. In the event that the dismissal has been unjustified, the provisions of Art. 141 apply.
- (3) The consequences of para. 2, sentence two shall not occur if the criminal liability has been dropped on the grounds of Art. 9, para. 2 of the Criminal Code and because of the statute of limitations or an amnesty, if and when it has been established that the bailiff temporarily removed has committed a disciplinary offence, for which he has been removed from office.

Article 153

- (1) In the bailiff's jurisdictions with two or more bailiffs, one of them shall be appointed by the Minister of Justice to be the head, ~~in the order of seniority~~, and he shall receive an additional remuneration for that.
- (2) In the absence of the head, he shall be substituted for by a bailiff designated by the chairman of the regional court, ~~in the order of seniority~~.

Article 154

- (1) In case the office is vacant or the bailiff appointed is prevented from discharging it and can not be substituted for by another bailiff from the same court, the chairman of the respective district court may commission a bailiff from another court region to substitute for him.
- (2) If necessary, the Minister of Justice may commission a bailiff outside the jurisdiction of the district court.

Article 155

- (1) When discharging his duties, the bailiff shall wear a special badge specified by the Minister of Justice .
- (2) The state bodies and officials shall cooperate with the bailiffs in the discharge of his official duties.
- (3) In case the discharge of his official duties is illegally impeded, the bailiff may require assistance, and the police authorities shall immediately render such assistance.

Article 156

The bailiff may be promoted, in rank and salary, up to judge in a district court, by an order of the Minister of Justice , under the conditions of Art. 142, for manifest high qualifications and exemplary performance of his official duties.

Article 157

The bailiffs shall not be detained, and criminal proceedings shall not be instituted against them without the permission of the Minister of Justice . Permission for detaining is not required when the bailiff is found on the scene of a committed by him severe crime.

Article 157a

- (1) Every year bailiffs shall be paid a sum, which shall not be taxable, for attire up to an amount of two average monthly salaries of officials in the public sector.
- (2) The compulsory social security and health insurance contributions for bailiffs and their insurance against accident shall be covered by the budget of the Judiciary.
- (3) Upon termination of the employment relationship, bailiffs shall be paid an indemnity under the conditions laid down in Art. 139d.
- (4) In the event of reinstating an illegally dismissed bailiff or transfer to another position involving a change in town, Articles 139e and 139f shall apply accordingly.

Chapter Thirteen

(Amended, SG 104/1996)

RECORDATION JUDGES

Article 158

- (1) There shall be a recordation judge in the regional courts.
- (2) A recordation judge shall effect all notarial actions related to recordations, written accounts or notes or the expunction thereof, to making and rendering inquiries from recordation books, as well as other actions specified by the law.
- (3) In such regional courts where there is no recordation judge, his functions shall be performed by the regional judge.
- (4) The Minister of Justice may commission a bailiff from the same court to perform the recordation judge's functions.

Article 159

A recordation judge shall take actions only within his region.

Article 160

- (1) A recordation judge may become any person, who meets the requirements under Art. 126.
- (2) A recordation judge shall be appointed by the Minister of Justice , upon the proposal by the Chairperson of the respective regional Court.
- (3) If there are two or more applicants, the Minister of Justice shall schedule a contest for a recordation judge by an order whereby he shall set the conditions of the contest. The order shall be published in the State Gazette.
- (4) In recordation offices with more than one recordation judge, the Minister of Justice shall appoint one of them ~~in order of seniority~~ to head the office.

Article 161

Upon assuming office, a recordation judge shall take the oath under Art. 109, the provision of Art. 110 being complied with.

Article 162

The provisions of Art. 152, 154, 156, 157 and 157a shall apply to the recordation judges as well.

Chapter Fourteen

QUALIFICATION TO PRACTICE

Article 163

- (1) To become qualified to practice, those who have completed their semester studies in law must follow a three-month period of apprenticeship before the final exams and pass an exam under a procedure and conditions laid down in a regulation issued by the Minister of Justice and the Minister of Education and Science.
- (2) To take office as a judge, prosecutor and investigator, an application must be filed after a successful completion of training at the National Institute of Justice.

Article 164 Repealed

- (1) ~~(Amended, SG 133/1998) The Minister of Justice shall place the judicial candidates in the district courts for a period of one year. The period may be prolonged, for good reason, for not more than six months.~~
- (2) ~~(Amended, SG 133/1998) The judicial candidates who have received government funded training shall be appointed by the Minister of Justice and shall be receive salary in accordance with the payroll scale. The time under paragraph (1) shall be recognised for length of service.~~
- (3) ~~(New, SG 133/1998) The judicial candidates who have received other than government funded training shall be placed in district courts by the order of the Minister of Justice . They shall make their own social security contributions in a manner prescribed by Council of Ministers regulation. The time under paragraph (1) shall be recognised for length of service.~~

Article 165 Repealed

- (1) ~~(Amended, SG 133/1998) The Minister of Justice shall make a regulation for the training, and the terms and procedures of assessing the judicial candidates and the trainee lawyers.~~
- (2) ~~(Amended, SG 133/1998) After the expiry of the period under Art. 164, para. 1, and after the assessment, the judicial candidates shall sit for a state theoretical and practical examination before a commission, appointed by the Minister of Justice , composed of: chairman—a representative of the Ministry of Justice , and members—a judge from the Supreme Court of Cassation, a prosecutor of the Supreme Court of Cassation, and a representative of the Supreme Barristers Council.~~

Article 166 Repealed

~~(Amended, SG 104/1996) (Amended, SG 133/1998) A judicial candidate, who has served six months, may be appointed to exercise the duties of a bailiff recordation judge for a period of up to one (1) month, and on a request by a public notary—the duties of a public notary on probation until the expiry of the term stipulated for under Article 164, paragraph 1. In the event of appointments to exceed the term of one (1) month, the consent of the judicial candidate in writing shall be required.~~

Article 167

- (1) Admission to the National Institute of Justice for the purpose of becoming qualified to practice as a judge, prosecutor and investigator shall be based on a contest, under conditions and a procedure laid down in a regulation issued by the Minister of Justice and co-ordinated with the Supreme Judicial Council.
- (2) Applicants for admission to the National Institute of Justice must meet the requirements of Art. 127a, para 3.
- (3) The number of persons to study at the Institute shall be approved on an annual basis by the Minister of Justice on a proposal from the Supreme Judicial Council.
- (4) The training course at the Institute shall take one year.
- (5) The training course at the Institute shall also be recognised as a general work record under Art. 127, para 4 for the qualification to take office as a judge, prosecutor or investigator at the bodies of the Judiciary.
- (6) Those having graduated from training at the institute shall undertake to work in the bodies of the Judiciary for a period of ten years. A person who fails to perform the obligation to work at the bodies of the Judiciary shall reimburse the expenses for the training to the State. The criteria for allocating the graduates between the bodies of the judiciary shall be set by the Supreme Judicial Council, and if there are several applicants for the same position, a contest shall be held in accordance with Art. 127a-127c.
- (7) The bodies under Art. 30, para 1, items 5, 7 and 8 shall present proposals to the Supreme Judicial Council to appoint the successful graduates of the National Institute of Justice as junior judges, junior prosecutors, regional judges, prosecutors at a regional prosecution office or investigator at a district investigation service.

Chapter Fifteen**INCENTIVES AND DISCIPLINARY RESPONSIBILITY****Part One**
Incentives**Article 167a**

- (1) For a high-quality performance of their official duties in exercising the judicial power, while manifesting an exceptional professional and moral background, judges, prosecutors and investigators may be stimulated, by a decision of the Supreme Judicial Council, with the following prizes:
 1. official gratitude and a diploma;
 2. an individual badge of honour - silver and golden;
 3. earlier on-the-job promotion under the conditions of Articles 142-144;
 4. annual proclamation of a "Judge of the Year", "Prosecutor of the Year" and "Investigator of the Year".
- (2) The incentives under para 1, item 4 shall be announced on 16 April, the Constitution and Lawyers' Day, and the names of the laureates shall be entered in "The Golden Book of the Bulgarian Judiciary". The prizes shall be bestowed in a solemn setting by the Minister of Justice.
- (3) Proposals for incentives shall be made by the Minister of Justice, by the President of the Supreme Court of Cassation, by the President of the Supreme Administrative Court, by the Chief Prosecutor, by the Director of the National Investigation Service, by the presidents of appellate and district courts, by appellate and district prosecutors and by the directors of district investigation services, by the Union of Judges in Bulgaria, by the Association of Prosecutors and by the Chamber of Investigators.
- (4) The names of judges, prosecutors and investigators distinguished in accordance with para 3 shall be announced in the mass media.

Article 167b

The Supreme Judicial Council may propose to the President of the Republic to award judges, prosecutors and investigators having great merit for the exercise of judicial power.

Part Two

Disciplinary Responsibility

Article 168

- (1) The judges, prosecutors, and investigators shall bear disciplinary responsibility:
 1. For offences and omissions in the discharge of their official duties;
 2. For an unjustified delay in the discharge of an official duty;
 3. for acts falling within or without the scope of their official duties and violating the Code of Ethics for Judges, Prosecutors and Investigators.
 4. (New, SG 133/1998) For breach of oath;
- (2) In cases other than those under para. 1, the military judges, prosecutors, and investigators shall bear disciplinary responsibility also pursuant to the special laws and regulations, under the terms and procedures established therein.
- (3) The judges shall bear responsibility for default in their official duties under Art. 101, para. 2, and the prosecutors -- under Art. 118, items 1 and 2.

Article 169 (Amended, SG 133/1998)

- (1) The disciplinary sanctions shall be:
 1. Reprimand;
 2. Reduction of pay to any level equal to, or above, the national minimum monthly salary for a period of two months with an injunction that delayed cases and files be completed;
 3. Deprivation of the possibility for promotion in rank or in office for a period of one year to three years;
 4. Demotion in rank or in office for a period from six months to three years;
 5. Relocation to another court region for up to three years;
 6. Dismissal.

(2)The disciplinary sanction of dismissal shall not be imposed on the irremovable judges, prosecutors, and investigators, except for breach of oath.”

(3)When during the disciplinary proceedings it is established that the breaches or acts under art. 168 have the nature of a serious intentional crime prosecuted on indictment, the Supreme Judicial Council shall divest of immunity and remove the guilty judge, prosecutor or investigator from office according to art. 27, paragraph 1, item 6, until final settlement of the case by the Court. In this case the disciplinary case shall be submitted to a prosecutor appointed by the Supreme Judicial Court.

Article 170

The disciplinary proceedings may be instituted up to one year after the commission of the offence, and not later than six months after it has been discovered.

Article 171 (Amended, SG 133/1998)

- (1) Disciplinary proceedings shall be instituted upon the advice of:
1. the members of the Supreme Judicial Council, against any judge, prosecutor, the Director of the National Investigation Service, against any investigator;
 2. the president of a district court, against any judge of the appropriate regional courts;
 3. The president of a court of appeal, against any judge of the appropriate district courts;
 4. The District Prosecutor, against any prosecutor of the appropriate regional courts;
 5. The appellate prosecutor, against any prosecutor of the appropriate district courts;
 6. The director of the investigation service of a district court, against any investigator thereof;
 7. the Director of the National Investigation Service, against any investigator at that service.
- (2) The Minister of Justice and European Legal Integration, and one fifth of the members of the Supreme Judicial Council may advise the initiation of disciplinary proceedings against any judge, prosecutor or investigator.

Article 172 (Amended, SG 133/1998)

The Minister of Justice and European Legal Integration may bring to the attention of regional, district, and appellate judges, and prosecutors, and investigators of the investigation services of district courts and of the Specialized Investigation Service of the Sofia City Court what appear to the Minister to be irregularities in their work of initiating and processing certain cases, and the Minister shall notify the Supreme Judicial Council accordingly.

Article 173

(Amended, SG 133/1998)Before submitting the proposals under Art. 171, an explanation in writing of the person who is charged shall be required and attached.

Article 174 (Amended, SG 133/1998)

- (1) A disciplinary case against a judge, prosecutor or investigator shall be heard by a disciplinary panel of the Supreme Judicial Council to be appointed in accordance with Article 33. The members of the panel shall elect a presiding member by simple majority.
- (2) The presiding member of the panel shall initiate the proceedings, appoint one or two rapporteurs, and schedule the first hearing to take place within two weeks.

Article 175 (Repealed, SG 133/1998)

Article 176

A transcript of the proposal for instituting disciplinary proceedings shall be served on the person who, within two weeks after receipt, may enter objections in writing and cite his evidence. Prior to the sitting of the disciplinary panel the person making the proposal may withdraw it, and such withdrawal shall terminate the disciplinary proceedings.

Article 177

- (1) (Repealed, SG 133/1998)
- (2) The person charged with the disciplinary responsibility shall be summoned to the sitting, and this person shall be entitled to counsel for the defense.
- (3) (Amended, SG 133/1998)The proposal shall be supported by the person making the proposal or by his duly authorised representative.
- (4) (Amended, SG 133/1998) The hearing of a disciplinary case shall be open to judges, prosecutors, and investigators.
- (5) (Amended, SG 133/1998)The disciplinary panel may question witnesses, hear experts, and collect written and physical evidence. Where it finds appropriate, the disciplinary panel may gather evidence by a delegated member.
- (6) Records of proceedings shall be kept for the hearing.

Article 178

(Amended, SG 133/1998)The disciplinary panel shall rule to imposes a disciplinary sanction, to acquit the person, or to propose to the Supreme Judicial Council to impose a sanction under Art. 169, para. 1, items 4,5 and 6. The Supreme Judicial Council shall decide whether to impose a sanction under subparagraphs 4, 5, or 6 of Article 169(1), or under subparagraphs 1, 2, or 3 of the same.

Article 179 (Amended, SG 133/1998)

The ruling of the disciplinary panel of the Supreme Judicial Council whereby a disciplinary sanction is imposed, as well as the Council's decisions in disciplinary cases, may be appealed against before the Supreme Administrative Court, by the disciplinary defendant or by the complainant within 14 days from the date of the hearing at which the ruling was announced, if the appellant was present at the hearing; otherwise, the same period shall run from the date on which the appellant is notified of the ruling having been made.

Article 180

The Supreme Administrative Court shall hear the appeals in a panel of three judges.

Article 181

In the course of the appeal proceedings, only written and physical evidence shall be collected.

Article 182

- (1) (Amended, SG 133/1998) The court under Article 180 shall rule within 14 days confirming or annulling the subject ruling.
- (2) The ruling shall be final.

Article 183

- (1) (Amended, SG 133/1998)A transcript of the disciplinary membership ruling, imposing a sanction under Art. 169, para. 1, items 1 2and 3, shall be sent for carrying out:
 1. To the Minister of Justice - for a judge in a regional court, district court, and court of appeal;
 2. To the Chairman of the Supreme Court of Cassation - for a judge in the Supreme Court of Cassation;
 3. To the Chairman of the Supreme Administrative Court - for a judge in the Supreme Administrative Court;
 4. To the Chief Prosecutor - for a prosecutor;
 5. (Amended, SG 133/1998) To the director of the appropriate investigation service, for an investigator.
- (2) The ruling under para 1 shall be subject to enforcement within fourteen days as from the receipt of notice thereof.
- (3) Failure to enforce the ruling under 169, para 1, items 4 and 5 within the time limit under para 2 for a reason attributable to the person sanctioned shall be deemed resignation under Art. 131, para 1, item 2.
- (4) Where the ruling appealed against is annulled, the judge, prosecutor or investigator shall be reinstated into the position occupied within fourteen days.

Article 183a

- (1) The disciplinary sanction shall be obliterated one year after the expiration of the term for which it was imposed if it is found out that it has produced the required effect.
- (2) The obliteration shall be effective *ex nunc*.

Article 184 (Repealed, SG 133/1998)

Article 185

(Amended, SG 104/1996) A disciplinary sanction on a bailiff and recordation judge shall be imposed by the Minister of Justice and European Legal Integration, pursuant to the Labour Code.

Article 186 (Repealed, SG 133/1998)

Chapter Sixteen

ADMINISTRATION OF THE BODIES OF THE JUDICIARY

Article 187

- (1) In exercising their powers, the bodies of the Judiciary shall be assisted by administration.
- (2) The administration of the bodies of the Judiciary shall be administration of the Supreme Judicial Council, of the Supreme Court of Cassation, of the supreme Administrative Court, of the Chief Prosecutor, of the Supreme Prosecution Office of Cassation, of the Supreme Administrative Prosecution Office, of the National Investigation Service, of the courts, prosecution offices and investigation services.
- (3) The work of the administration at the bodies of the Judiciary shall be performed by court officials and by persons working under contracts of employment.
- (4) The Civil Servants Act shall apply to the civil servants in the administration of the bodies of the Judiciary, and the Labour Code shall apply to those working under contracts of employment, unless otherwise provided in this law.

Article 188

- (1) The presidents of the Supreme Court of Cassation and of the Supreme Administrative Court, the Chief Prosecutor and the Director of the National Investigation Service shall draft rules whereby they shall determine the bodies in charge of appointments, the units of the administration, their functional features, the organisation of work, the titles of positions, their number and allocation by group and by rank, the chart of positions, the model job descriptions of the officials and their status. The Supreme Administrative Council shall approve the rules by a decision.
- (2) The Minister of Justice shall issue rules within the meaning of para 1, in co-ordination with the Supreme Judicial Council, for the other administrations of bodies of the Judiciary.
- (3) The Supreme Judicial Council shall set the monthly remuneration of court officials as a percentage of the remuneration of a court administrator under Art. 188b, but their such remuneration shall not exceed 80 per cent of the remuneration of the court administrator.
- (4) Court officials shall be paid each year a sum, which shall not be taxable, for attire in the amount of two average monthly salaries of officials in the public sector.
- (5) A court official having acquired the right to pension for length of service and old age shall be entitled upon removal from office to a one-off cash indemnity equal to as many gross monthly salaries as many years he served at the bodies of the Judiciary, but to more than ten gross monthly salaries.
- (6) Court officials shall be mandatorily insured against accident for the account of the bodies of the Judiciary.

Article 188a

- (1) The administration of the Supreme Judicial Council shall be headed by a Secretary General.
- (2) May be appointed Secretary General a person who meets the requirements of Art. 127, para 2. The Secretary General shall be appointed by a decision of the Supreme Judicial Council.
- (3) The units of the administration of the Supreme Judicial Council, the titles of positions and the number of officials shall be determined by Rules of Organisation adopted by a decision of the Supreme Judicial Council.

Article 188b

- (1) The work of the courts shall be assisted by court administrators. The requirements for taking office, and the procedure and conditions for appointing the court administrator shall be laid down in the Rules referred to in Art. 188, para 1.
- (2) The court administrator shall be the chief court official at the court. The court administrator shall plan, organise and manage the court officials, be responsible for the management of administrative work at the court, introduce programmatic solutions on long-term planning, budget policy, finances, automation and equipment supplies.
- (3) The court administrator shall receive basic remuneration in the amount of 80 per cent of the basic remuneration of a judge at a regional court.
- (4) The court administrator shall be politically neutral in the fulfilment of his official duties.

Article 188c

The steps of the bodies of the Judiciary in informing the public and ensuring contacts with the media shall be supported by press services. The status, the rights and the obligations of press service officials shall be laid down in the Rules referred to in Art. 188, para 1.

Article 188d

In the event of fulfilling his official duties on days off and on bank holidays, a court official shall, following an order of the respective leader, receive additional remuneration of an amount set by the Supreme Judicial Council.

Chapter Seventeen JUDICIAL STATISTICS

Article 189 (Amended, SG 133/1998)

The Ministry of Justice and European Legal Integration, the Chief Prosecutor, the Supreme Court of Cassation, and the Supreme Administrative Court shall in pursuance of the Statistics Act provide statistical data to the National Institute of Statistics for publication. Such data concerning investigation services shall be provided by the relevant directors.

Chapter Eighteen LEAVES AND COURT HOLIDAY

Article 190

- (1) (Amended, SG 104/1996) (Amended, SG 133/1998) The judges, prosecutors, investigators, bailiffs, and recordation judges shall be entitled to a regular paid annual leave of 30 working days, and an additional leave of 1 working day per every two years of juristic service.
- (2) (New, SG 133/1998) Leaves, except in the event of temporary incapacity, shall be authorised by:
 1. the president of the regional court, for bailiffs and recordation judges;
 2. of district court and corresponding regional court judges, the president of the district court;
 3. of district and regional prosecutors, the district prosecutor;
 4. of investigators, the appropriate director of investigation service;
 5. the president of the respective court of appeal, for judges at that court and for the presidents of district courts, and by the President of the Supreme Court of Cassation, for the presidents of courts of appeal;
 6. of supreme court judges, the President of the Supreme Court of Cassation or, as the case may be, the President of the Supreme Administrative Court;
 7. the Chief Prosecutor, for the heads of the Supreme Prosecution Office of Cassation and of the Supreme Administrative Prosecution Office, for prosecutors at those prosecution offices, for appellate and district prosecutors.

8. the Director of the National Investigation Service, for the investigators at that service and for the directors of district investigation services.
- (3) The persons who give authorisation for leave to the leaders under Art. 125a shall notify the chair of the Supreme Judicial Council thereof.

Article 191

- (1) The court holiday shall be from July 15 to September 1.
- (2) (Amended, SG 104/1996) The investigators, bailiffs, and recordation judges shall not enjoy the court holiday.

Article 192

- (1) During the court holiday, the courts shall hear:
1. Criminal cases, where the measure of "detention in custody" has been taken;
 2. Civil cases for support and for incorrect dismissal;
 3. Cases on which they are obliged by law to give a ruling within a period shorter than a month;
 4. Requests for securing actions and evidence, for granting permits and orders under the Family Code and for appointing special representatives;
 5. Other types of cases, upon the discretion of the head of the court, of the prosecutor's office, or of the Minister of Justice .
- (2) The court and the prosecutor's office shall ensure a sufficient number of court panels and prosecutors for hearing the cases and the requests during the court holiday.

Article 193

The judges, prosecutors, and court staff, who can not use their regular paid annual leave during the court holiday, are entitled to use it in another period.

Article 194

- (1) (Amended, SG 133/1998)The judges, prosecutors, and investigators who have been sent abroad to upgrade their qualifications by any judicial authority or by the Ministry of Justice and European Legal Integration for more than three months, shall work in the court, the prosecutor's office or the investigation service for not less than three years after their return.
- (2) If before the expiry of the period under para. 1 the person leaves at his own free will he shall reimburse in full the received grant money.

Article 195

- (1) The judges and the prosecutors may not go on leave before they have prepared their acts and returned the cases entrusted to them, except in cases of temporary disability to work.
- (2) Amended, SG 104/1996) The provisions under para. 1 above shall also apply to the bailiffs, recordation judges, and court staff.

Chapter Nineteen

BUDGET AND JUDICIAL FUNDS

Article 196 Repealed

- (1) ~~(Amended, SG 133/1998) — The judicial system shall have an autonomous budget, which shall be prepared, allocated, and controlled by the Supreme Judicial Council. The execution of the budget shall be done autonomously by the Supreme Court of Cassation, the Supreme Administrative Court, the Chief Prosecutor, and the Ministry of Justice and European Legal Integration, for the other courts and the investigation services. The Minister of Justice and European Legal Integration shall give his opinion on budget preparation and shall monitor execution.~~
- (2) ~~Each year, together with the draft state budget, the Council of Ministers shall submit to the National Assembly also the draft judicial system budget, as well as the report on the execution of the budget for the previous year, proposed by the Supreme Judicial Council with a substantiation in details.~~
- (3) ~~The Council of Ministers may make its own substantiated proposals and objections to the draft budget of the judicial system.~~

Article 197

- (1) Under the Ministry of Justice , a Court Houses Fund and a Prison Houses Fund shall be set up.
- (2) The Court Houses Fund and the Prison Houses Fund shall be set up for building, equipping, and maintaining the buildings of the courts, prosecutor's offices, investigation services, and prison houses, and of the technical facilities in these buildings.
- (3) The Court Houses Fund and the Prison Houses Fund shall be legal persons.
- (4) The Ministry of Justice may acquire real estate and limited property rights on real estate for the needs of the bodies of the Judiciary.

Article 198

The monies for the Court Houses Fund and the Prison Houses Fund shall be raised from:

1. (Amended, SG 104/1996) Five percent of all state fees collected under the Government Charges Act by the courts, recordation offices, bailiff's offices, and the Ministry of Justice ;
2. A subsidy from the state budget;
3. Donations from natural and legal persons;
4. Testaments;
5. Deposit amounts paid on criminal and civil cases for witnesses, expert opinions, business trips and bails in cash and in valuables which have not been received or withdrawn in a period of three years after the termination or the completion of the case;
6. The amounts and valuables collected on bailiff's cases, which have not been received by the claimants within a period of five years after the termination of the case;
7. The physical evidence, in case it has not been established who it belongs to, and within a period of one year after the termination of the criminal proceedings it has not been claimed;
8. The proceeds received from the exploitation of the court houses;
9. Other sources of revenue.

Article 199

The fund monies shall be collected and kept on a separate account with the Bulgarian National Bank.

Article 200

The raising and the spending of the monies on the Court Houses Fund and the Prison Houses Fund shall be regulated by a regulation of the Minister of Justice and the Minister of finance, issued within two months after this Act comes into force.

Chapter Twenty **JUDICIAL SECURITY**

Article 200a

- (1) The Ministry of Justice shall carry out the work relative to judicial security through a specialised judicial security unit with the following functions:
 1. organising and providing the security of all court buildings;
 2. ensuring proper order in the court buildings and the safety of the bodies of the Judiciary in the exercise of their powers;
 3. organising and providing, where necessary, for the security of judges, prosecutors, investigators and witnesses;
 4. assisting the bodies of the Judiciary with summoning persons, and with judicial enforcement;
 5. forcefully bringing persons with respect to whom this has been ordered by a body of the Judiciary;
 6. convoying to the bodies of the Judiciary accused and defendants on whom the measure for non-absconding "preliminary detention" has been imposed or persons serving sentences at prison facilities;
 7. providing for the security of investigation detention places.
- (2) The security of judicial buildings shall be covered by the budget of the Ministry of Justice.
- (3) The provisions of Articles 20-20e of the Execution of Penalties Act shall apply to the security staff of judicial buildings.

- (4) The structure, the organisation and the work of the security of judicial buildings shall be governed by a regulation issued by the Minister of Justice in co-ordination with the Supreme Judicial Council.

Chapter Twenty-One
ADMINISTRATIVE PENAL PROVISION

Article 201

- (1) (Amended, SG 133/1998) A person who does not comply with an order issued by a body under the relevant procedures pursuant to this Act shall be fined from from BGL 20,000 to 200,000 unless such person is liable to a heavier penalty.
- (2) The fine shall be imposed by an order or decree of a judge, prosecutor, or investigator, after the person has been given the opportunity to give explanations in connection with the offence.
- (3) The body which has imposed the penalty may revoke or reduce the fine, upon the appeal of the sanctioned person, filed within one month after the notification.

ADDITIONAL PROVISION

- § 1. (1) (Amended, SG 58/1997) The first-instance civil cases under the jurisdiction of the regional court shall be tried without the participation of jurors.
(2) (Repealed, SG 58/1997)

TRANSITIONAL AND CONCLUDING PROVISIONS

- § 2. The existing court jurisdictions and the seats of courts, determined before this Act has come into force, shall remain.
- § 3. (1) The existing judges, prosecutors, and investigators shall continue discharging their duties.
(2) The judges in the Supreme Court, in case they meet the conditions of this Act, shall be reappointed judges in the Supreme Court of Cassation and the Supreme Administrative Court, after taking their opinion.
- § 4. (1) (Repealed SG 133/1998)
(2) The investigators and the other employees of the National Investigation Service shall retain their former rights with regard to the category of labour, the cash benefits for years of service record and ranks, entitlement to a pension, as well as the amount, and the terms and procedures of receiving the employment relations termination indemnities.
- § 5. Within six months after this Act is passed, the Council of Ministers shall endorse, by order, a separation protocol between the Ministry of Internal Affairs and the National Investigation Service, upon the proposal of the Minister of Internal Affairs and the Director of the National Investigation Service, for the purpose of regulating all legal relations, connected with the separation of the National Investigation Service from the Ministry of Internal Affairs.
- § 6. The existing trainee lawyers shall carry out and complete their internship under the terms and procedures which have been in force at the beginning of the internship.
- § 7. The existing judges, prosecutors, and investigators shall retain their ranks, which shall be brought into line with the requirements of Art. 143, unless the ranks have been acquired in violation of this Act.
- § 8. Repealed - Decision No. 8/15.09.1994 of the Constitutional Court - SG No. 78/1994.
- § 9. The inspectors in the Inspectorate Department of the Ministry of Justice shall retain the amount of the remuneration they have been receiving for the offices they have held in the prosecutor's office and the investigation service, and the judicial inspectors shall receive remuneration in accordance with the rank required for their appointment under Art. 36.
- § 10. (1) The pending disciplinary files upon entry into force of this Act shall be considered under the terms and procedures of chapter fourteen.
(2) The judges, prosecutors, and investigators who have been dismissed, moved against their will or demoted in office by the Supreme Judicial Council before the entry into force of this Act, may appeal the decision before the Supreme Administrative Court, within three months after this Act comes into force.
- § 11. Repealed - Decision No. 8/15.09.1994 of the Constitutional Court - SG No. 78/1994.
- § 12. The term of office of the appointed jurors shall be prolonged up to the designation of jurors under this Act.

- § 13. The work record as an arbitrator under the State Arbitration Act (repealed) shall also be recognised as record for a judge under Art. 127, paragraphs 2, 3 and 4.
- § 14. This Act is passed pursuant to Art. 133 of the Constitution of the Republic of Bulgaria, and it hereby repeals:
1. The Court Systems Act (promulgated, the State Gazette, No. 23/1976; amended, Nos. 36/1979, 91/1982, 27 and 29/1986, 91/1988, 31/1990, 46/1991, 100/1992).
 2. The Prosecutor's Office Act (promulgated, the State Gazette, No. 87/1980; amended, Nos. 27/1986, 91/1988, 46/1991, 100/1992);
 3. Decree No. 1138 of 1979 on the Formation of a Unified Investigation Apparatus under the Ministry of Internal Affairs (promulgated, the State Gazette, No. 57/1979; amended, Nos. 26 and 91/1988, 46 and 106/1991, 110/1993);
 4. The Supreme Judicial Council Act (promulgated, the State Gazette, No. 74 of 1991; amended, No. 106/1991).
- § 15. Until the Supreme Court of Cassation and the Supreme Administrative Court have been appointed, their competencies shall be exercised by the Supreme Court.
- § 15a.* (New, SG No. 64/1996) The Supreme Judiciary Council shall exercise its powers in the matter of putting up candidates for the offices of the Supreme Court of Cassation Chairperson and the Supreme Administrative Court Chairperson; the re-appointment under § 3 of the Transitional and Concluding Provisions of the Judicial Power Act and the appointment of Deputy Chairpersons, Department Chairpersons and Justices to the Supreme Court of Cassation and to the Supreme Administrative Court; the designation of the number, of the court jurisdiction areas and of the seats of the Courts of Appeal and the Court Martial of Appeal; the appointment of the Chairpersons, Deputy Chairpersons and Justices to the Courts of Appeal and to the Court Martial of Appeal, following the adoption of a Supreme Administrative Court Act and of the procedural acts of legislation regulating the three-instance legal procedure.
- § 16. The enactment of this Act is assigned to the Minister of Justice .

SUPPLEMENTAL (Adopted by Act Constituting
an Amendment to the Judicial System Act, SG,133/1998)

- § 73. Everywhere in the Act, the words “the Minister of Justice” and “the Ministry of Justice” are replaced with “the Minister of Justice and European Legal Integration” and “the Ministry of Justice and European Legal Integration” respectively. Text currently irrelevant (*note of the translator*)

TRANSITIONAL AND FINAL (Adopted by Act Constituting
an Amendment to the Judicial System Act, SG,133/1998)

- § 74. The detention facilities of investigation services, including those of the National Investigation Service, shall pass to the Ministry of Justice and European Legal Integration, together with their assets, service and security personnel and all their operating funds on the budget for 1998.
- § 75. § 4(1) of the Transitional and Final Provisions is repealed.
- § 76. The investigation services of the regional courts shall pass with their assets and personnel to the corresponding investigation services of the district courts.
- § 77. The Chief Prosecutor’s Office of Cassation and of the Chief Prosecutor’s Administrative Office, and the district investigation services, and the Specialized Investigation Service shall be instituted within two months of the entry of this Act into force in accordance with payrolls prepared in advance and approved by the Supreme Judicial Council. The latter may take the initiative to institute those entities on its own.

* Declared unconstitutional by Judgement No. 19/29.10.1996 of the Constitutional Court

§ 78. In Article 5, paragraph 2, of the Supreme Administrative Court Act (Official Gazette (OG) No. 122/1997), the words “and of its disciplinary panel” are hereby deleted.

§ 79. In Article 157(2) of the Labour Code (OG Nos. 26 & 27/1986 as subsequently amended), after the word “party”, the word “or” is hereby replaced with a comma and there are added after the words “expert witness” the words “or juror”.

§ 80. To any matter, not provided for hereunder, relating to relations of employment, the provisions of the Labour Code shall apply, and where the persons concerned are military judges, military prosecutors or military investigators the provisions of the Defence and Armed Forces Act shall apply, and the length of service in the system of the Ministry of Home Affairs shall be recognised for length of career military service.

§ 81. Within two months of the entry of this Act into force, there shall be held an election of members of the Supreme Judicial Council with a view to bringing the judicial system entirely into conformity with the requirements of the Constitution. The mandate of the existing Judicial Council shall terminate upon the constitution of the new Council in pursuance of this Act or upon the expiration of the time limit referred to in the first sentence, whichever occurs first. The new Supreme Judicial Council shall be deemed constituted upon the election of two thirds of its members.

This Act was passed by the Thirty-Eighth National Assembly on the thirtieth day of September nineteen-hundred and ninety-eight and given under the official seal of the National Assembly.