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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**DRAFT LAW
AMENDING
THE LAW ON JUDICIAL POWER
OF BULGARIA**

DRAFT

LAW

FOR AMENDMENT AND SUPPLEMENT OF THE LAW FOR THE JUDICIAL POWER

Promulgated, SG, issue 64 as of 7.08.2007 amended, issue 69 as of 5.08.2008

§ 1. In Art. 18, par.1, point.3, „with the exception of professional associations of judges, prosecutors and investigators” is added at the end.

§ 2. In Art. the following amendments and supplements are done:

The existing text becomes par. 1.

Par.2 is created:

«(2) Regulations of Art. 219, 221, 224, 225 and 330 are applied to the electoral members of the Supreme Judicial Council.”

§ 3. In Art. 30 the following amendments and supplements are done:

In par. 1:

a) In point 3, „as well as the number of the judicial officials – by the recommendation of the administrative managers of the judicial power authority” is added at the end.

b) Point 12 is amended as follows:

„ 12. Adopts Code of Ethics for the judges, prosecutors and investigators and Code of Ethics for the judicial officials”;

c) In point 13 the word „prosecutor’s offices” is replaced by c „the prosecutor’s office”.

d) Point 16 is amended as follows:

„16. Approves the automated information systems for the judicial power bodies, provides their systematic integration and operative compatibility and adopts regulation for the order of their establishment, introduction, use and development;”

e) Point 18 is created:

„18. Recommends to the Inspectorate within the Supreme Judicial Council to carry out examinations which are outside the annual programme for its work.”

2. In par.2 the words, „ and when related to the prosecutors and military investigators – of the general prosecutor” are erased.

§ 4. Article 32 is amended as follows

„**Art. 32.** (1) the Minister of Justice organizes and manages the holding of sessions of the Supreme Judicial Council.

(2) When the Minister of Justice is absent, the sessions are chaired by the representing the Supreme Judicial Council.

(3) In cases when the Minister of Justice and the representing person are both absent, the sessions are chaired by a member of the Supreme Judicial Council by precedence.

(4) In cases under par. 2 and 3 the Minister of Justice, respectively – the representing person advises in advance his deputy in order to organize holding of the session. In these cases a Deputy Minister designated by the Minister of Justice attends the session.

§ 5. In Art. 33, par. 1 a second sentence is created: „When the chairing person is absent, sessions are summoned by the representing the Supreme Judicial Council.”

§ 6. In Art. 35 the following amendments and supplements are done:

A new par.1 is created:

„(1) A member of the Supreme Judicial Council is not entitled to abstain from voting.

2. The existing text becomes par.2.

§ 7. In Art. 38, par. 3 the following amendments are done:

1. Point 13 is amended as follows:

„13. By the Director of the National Investigative Service – for his deputies and all the investigators.”

2. Point 14 is revoked.

§ 8. In Art. 42, par. 4, the words „or district investigative service” are erased at the end.

§ 9. In Art. 48, par. 1, point. 3 the words „6 months” are replaced by „ one year”.

§ 10. In Art. 53 the words „ art. 350 – 354” are replaced by „Art. 219, 221, 224, 225 and Art. 330.”

§ 11. Art. 55 the following amendments and supplements are done:

1. Paragraph 2 is amended as follows:

„(2) Within the Inspectorate, outside the administration under par.1, experts are appointed by competition with at least 5 years of legal standing and comply with the requirements under Art.18.”

2. Paragraph 3 is amended as follows:

„(3) Experts within the Inspectorate are appointed and released by the Chief Inspector.”

3. A new par. 4 is created:

„(4) Remuneration of the experts in the Inspectorate within the Supreme Judicial Council is equal to the remuneration of the judge at a regional court.

4. The existing par.4 becomes par. 5 and is amended as follows:

„(5) The Inspectorate adopts rules of procedure are adopted for the organization of the work of the administration and the experts which is promulgated in “State Gazette”.

§ 12. In Art. 64 par. 1 is amended as follows:

„(1) Court acts are published immediately after their enacting on the Internet page of the respective court in compliance with the requirements of the Law for the protection of the

Personal Data and the Law for the Classified Information.”

§ 13. In Art. 80, par. 1 the following amendments and supplements are done:

1. In point 2 the word „b” is amended as follows:

„b) information, inquiries and statistical data in electronic format by samples and in terms, approved by the Supreme Judicial Council and provides them to the Supreme Judicial Council and the Minister of Justice.”

2. Point 7 is revoked.

§ 14. In Art. 81 par. 1 is amended as follows:

„(1) When the post of the judge at a regional court is not occupied or a judge is prevented from performing his post and can not be replaced by another judge of the same court, the chairman of the respective district court can commission a judge of another regional court, a judge of the district court or a junior judge with a standing of at least two years at his place. The commissioning is carried out in accordance with the conditions under Art. 227.”

§ 15. In Art. 86, par. 1, point. 3 letter „b” is amended as follows:

„b) information, inquiries and statistical data in electronic format by samples and in terms, approved by the Supreme Judicial Council and provides them to the Supreme Judicial Council and the Minister of Justice.”

§ 16. In Art. 87 par. 1 is amended as follows:

„(1) When the post of the judge at a district court is not occupied or a judge is prevented from performing his post and can not be replaced by another judge of the same court, the chairman of the court of appeal can commission a judge of the court of appeal, of the another district court or a judge of a regional court by a rank of a judge of a district court within the judicial region of the court of appeal on his place. The commissioning is carried out in accordance with the conditions under Art. 227.”

§ 17. In Art. 93, par. 1, point 2 letter „b” is amended as follows:

„b) information, inquiries and statistical data in electronic format by samples and in terms, approved by the Supreme Judicial Council and provides them to the Supreme Judicial Council and the Minister of Justice.”

§ 18. In Art. 94 par. 1 is amended as follows:

„(1) When the post of the judge at an administrative court is not occupied or a judge is prevented from performing his post and can not be replaced by another judge of the same court, the chairman of the Supreme Administrative Court can also commission a judge of another administrative court at his place. The commissioning is carried out in accordance with the conditions under Art. 227.”

§ 19. In Art. 100 par. 1 is amended as follows:

„(1) When a military judge is prevented from performing his post and can not be replaced by another judge of the same court, the chairman of the military appellate court can commission a judge of another military court at his place. The commissioning is carried out in accordance with the conditions under Art. 227.”

§ 20. In Art. 106, par. 1, point. 3 letter „b” is amended as follows:

„b) information, inquiries and statistical data in electronic format by samples and in terms, approved by the Supreme Judicial Council and provides them to the Supreme Judicial Council and the Minister of Justice.”

§ 21. In Art. 107 par.1 is amended as follows:

„(1) When the post of the judge at a court of appeal is not occupied or a judge is prevented from performing his post and can not be replaced by another judge of the same court, the chairman of the court of appeal can commission a judge of a district court by a respective rank at his place in accordance with the conditions under Art. 227.” The commissioning is concerted with the administrative manager.

§ 22. In Art. 114, par. 1, point 7, after the words „provide” „of the Supreme Judicial Council” is added.

§ 23. In Art. 115 par. 1 is amended as follows:

„(1) When the post of the judge at the Supreme Court of Cassation is not occupied or a judge is prevented from performing his post and can not be replaced by another judge of the same court, the chairman of the Supreme Court of Cassation can commission a judge of the court of appeal or of a district court with at least 15 years of legal standing at his place. The commissioning is carried out in accordance with the conditions under Art. 227.”

§ 24. In Art. 122, par. 1, point 8 the words „Art. 123” are replaced by „Art. 227” and in point 11, after the words „provide” „of the Supreme Judicial Court” is added.

§ 25. Art. 123 is amended as follows:

“**Art. 123.** When the post of the judge at an administrative court is not occupied or a judge is prevented from performing his post and can not be replaced by another judge of the same court, the chairman of the Supreme Administrative Court can also commission a judge of an administrative court with at least 15 years of legal standing at his place. The commissioning is carried out in accordance with the conditions under Art. 227.”

§ 26. In Art. 138 point 5 is created:

„5. Jointly with the managers of ministries and government institutions establishes specialized intra-agency units for investigation under the procedural direction of a procurator designated by him.”

§ 27. Article 141 is amended as follows:

„ (1) The Procurator General submits to the Supreme Judicial Court by 30th April on an annual basis summarized report for the implementation of the law and for the activity of the procurator’s office and the investigative bodies.

(2) The prosecutors of appeal submit on a quarterly basis to the Procurator General summarized information for the investigations of the respective country, district and military district procurator’s offices.

(3) The Director of the National Investigative Service submits to the Procurator General information for the investigations of the investigators in the order and indicators determined by the Procurator General.

(4) The Minister of Interior submits to the Procurator General information for the investigations of the investigative policemen in the order and indicators determined by the Procurator General and the Minister of Interior.

(5) The Minister of Defense submits to the Procurator General information for the investigations of the military investigative policemen in the order and indicators determined by the Procurator General and the minister of Defense.”

§ 28. In Art. 142 par. 3 is amended as follows:

„(3) Each 6 months the Procurator General prepares and submits to the Supreme

Judicial Council, to the Inspectorate within the Supreme Judicial Council and to the Minister of Justice summarized information for the formation, movement and termination of the files”.

§ 29. Art.147 is amended as follows:

„ **Art. 147.** Upon official necessity, the appellate and the district procurators – for their respective regions and the Procurator General – for the whole country can commission procurators under the conditions of Art.227.”

§ 30. The title of chapter seven is amended as follows:

„Chapter seven
National Investigative Service”

§ 31. Article148 is amended as follows:

„**Чл.148.** The National Investigative Service is unified and centralized.”

§ 32. In Art. 149 par.4 is created:

„(4)There are territorial investigative units within the National Investigative Service, whose number, numerical strength and region of work are determined by the Supreme Judicial Council.”

§ 33. In Art. 150 the following amendments and supplement are done:

1. In point 2 and 4, the words „and the district investigative services” are erased at the end.

2. Points 5, 6 and 7 are altered as follows:

„5. coordinates the interaction among the National Investigative Service and the other government bodies and institutions;

6. requires, analyses and summarizes information by the specialized and territorial investigative units for the status and effectiveness of their work and takes measures for its enhancement and improvement.;

7. prepares annual report for the activity of the National Investigative Service until 31st March and presents it to the Procurator General for inclusion in the summarized annual report;”

3.In point 8 after the words “presents” “of the Supreme Judicial Council” is added.

4. Point 9 is created:

„9. administrates the activities related to the Unified Information System for counteracting crime”.

§ 34. Article 151 is revoked.

§ 35. In Art. 152 the words „District Investigative Service” are replaced by „territorial Investigative Unit”.

§ 36. Article 153 is amended as follows:

„**Art. 153.** Specialized and territorial investigative units are directed by manager who:

1. carries out the organizational and administrative management of the investigators;

2. recommends the investigators and officers to be appointed and dismissed to the Director of the National Investigative Service

3. recommends to the Director of the National Investigative Service to commission investigators if officially necessary;

4. at the end of each month prepares and presents to the Director of the National Investigative Service information for the formation, movement and termination of the cases;

5. prepares a six-month and annual report for the activity of the unit which are presented.”

§ 37. In Art. 161 par. 2 the word „enacting” is replaced by „entry into force”.

§ 38. In Art. 162, point 3 is amended as follows:

„3. possesses the necessary moral and professional qualities, complying with to the Code of Ethics of the judges, procurators and investigators;”

§ 39. in Art. 163 point 3 is amended as follows:

„ 3. a judge at a district court, a judge at an administrative court, a procurator at a district procurator’s office and an investigator at a territorial investigative unit;”

§ 40. In Art.164 the following amendments are done:

1. In par. 1 the words „investigator at a district investigative service” is replaced by „investigator at a territorial investigative unit”.

2. In par. 5 the number „12” is replaced by „15”.

§ 41. In Art. 165, par. 1 point 8 is revoked.

§ 42. In Art. 166 the following amendments and supplements are done:

1. Paragraph 1 is amended as follows:

„(1) Judge, procurator or investigator submits resignation in an at least one-month period of notice.”

Par.3 is created:

“(3) Judge, procurator or investigator can not be dismissed under Art. 165, par. 1, point 2, if disciplinary legal proceedings are initiated against him under Art. 308, par. 1, point 6, until the termination of the proceedings”.

§ 43. In Art. 167, par. 1, point 3 the words „and a Director of District Investigative Service” are erased at the end.

§ 44. In Art. 170 the following amendments and supplements are done:

1. A new par.1 is created:

„(1) A person who has at least 5 years standing is appointed for an administrative manager of a District Procurator’s Office.”

2. The existing par. 1 becomes par. 2 and is amended as follows:

„ (2) A person who meets the requirements under Art. 164, par.4 is appointed for an administrative manager of a District or Administrative Court and for a District Procurator’s Office”.

The existing par. 2 becomes par. 3.

§ 45. In Art. 172 the following amendments are done:

1. Paragraph 1 is amended as follows:

„(1) Chairman of a department or tribunal in court, head of unit at the procurator’s office, manager of a specialized unit and of a territorial investigative unit at the National Investigative Service are administrative positions .”

2. Paragraph 3 is amended as follows:

„(3) The Chairmen of a department in court, the heads of units at the procurator’s office and the managers of units at the National Investigative Service are appointed by the respective administrative manager.”

§ 46. Article 176 is amended as follows:

„**Art. 176.** (1) A centralized competition is held to occupy the post of a junior judge in the framework of the judicial power bodies.

(2) Upon the initial appointment at post of a judge at a regional, district or administrative court, procurator at a regional and district procurator’s office and investigator at territorial investigative unit, a centralized competition by the Supreme Judicial Court is held.

(3) Competitions under par. 1 and 2 are held at least once a year ”.

§ 47. Article 177 is amended as follows:

„**art. 177.** (1) Planning of posts of junior judges and junior procurators is carried out by the Supreme Judicial Court by recommendation of the administrative managers of the judicial power bodies for each and every calendar year.

(2) Planning of posts of junior judges and junior procurators can not be transformed as the competition is announced.

(3) Vacant posts of junior judges and junior prosecutors can not be transformed into post of judges and prosecutors. ”

§ 48. in Art. 178 the following amendments and supplements are done:

1. In par. 1 the words „investigative service” are replaced by „National Investigative Service”.

2. In par.2 the words „investigative service” are replaced by „National Investigative Service” at the end.

§ 49. In Art. 185 par. 2 and 3 are revoked.

§ 50. In Art. 186, par. 3, „after three consecutive admissions” is added at the end.

§ 51. in Art. 189 the following amendments and supplements are done:

1. In par. 1 the words „investigative services” are replaced by „National Investigative Service”.

2. Paragraph 3 is amended as follows:

„(3) Removal upon availability of vacant post is a transition to an equal or lower post in degree at a judicial power body which is carried out without a competition when the applicant is just one.”

3. Par. 4 is created:

„(4) The Supreme Judicial Council adopts a regulation for the application of par.3 which is promulgated in „State Gazette”.”

§ 52. In Art. 192 par. 3 and 4 are revoked.

§ 53. In Art. 193, par. 3 sentence second is amended as follows: „When the applicants have the same rank, advantage is for the one with proven high qualification, exemplary performance of official duties and possessing moral qualities in compliance with the Code of Ethics of the judges, procurators and investigators. ”

§ 54. In Art. 195, par. 1, point 4, „and for participation in projects funded by the European union” is added at the end.

§ 55. Article 197 is amended as follows:

„**Art. 197.** (1) Giving a judge, procurator or investigator a testimonial is carried out on the basis of criteria, determined in regulation under Art. 209a.

(2) Upon the attestation the common responsibility of the respective judicial region and judicial power body are considered, as well as the work load of the judge, procurator or investigator given a testimonial in comparison with the rest of the judges, procurators or investigators of the same judicial power body.

(3) Upon the attestation the time served as permanent teacher at the National Justice Institute is considered as well. The attestation is carried out in the order and under the conditions of the regulation under Art. 209a as the evaluation of the referred period is given by the Executive Council of the National Justice Institute.»

§ 56. Articles 198 and 199 are revoked.

§ 57. Article 200 is amended as follows:

„**Art. 200.** (1) Giving an administrative manager or deputy to the administrative manager a testimonial includes the evaluation of his qualification as a judge, prosecutor or investigator and the evaluation for holding a managerial post.

(2) The evaluation of the qualification is carried out on the basis of the criteria for a judge, prosecutor or investigator, determined in the regulation under Art. 209a.

(3) The evaluation for holding of a managerial post is carried out on the basis of the criteria, determined in the regulation under Art. 209a.

(4) Upon giving an administrative manager or a deputy of an administrative manager a testimonial, the results of the activity of the judicial power body who he manages are analyzed and considered.”

§ 58. Articles 201 and 202 are revoked.

§ 59. In Art. 207 par. 1 is amended as follows:

„(1) The Supreme Judicial Council takes decision on the final overall evaluation of the attestation. The overall evaluation of the attestation can be positive or negative. The degrees of the positive overall evaluation are determined by the regulation under Art.209a.”

§ 60. Article 208 is revoked

§ 61. In Art. 209, par. 2 the words „junior judge, junior procurator or junior investigator” are replaced by „junior judge or junior procurator

§ 62. In Section IV of chapter nine, Art. 209a is created:

„**Art. 209a.** The Supreme Judicial Council adopts regulation for the application of this section. The regulation is promulgated in “State Gazette””

§ 63. In Art. 231 after the words „Upon termination of the penal proceedings” „except in the cases under Art. 24, par. 1, point 2 and 3 and par. 3 of the Penal - Procedural Code” is added.

§ 64. In Art. 233, par. 1, point 1 the words „and an investigator at the district

investigative service” are erased at the end.

§ 65. In Art. 234 the words „and if meeting the requirements under Art. 164” are erased at the end.

§ 66. In Art. 237, point 3 the words „the standing under Art. 164, par. 1 – 5” are replaced by „ the standing at the respective judicial power body”.

§ 67. The title of Chapter ten is amended as follows:

„Chapter ten

Junior judges and junior procurators. Judicial assistants and procurators’ assistants.

§ 68. The title of Section I in Chapter ten is amended as follows:

„Section I

Junior judges and junior procurator”

§ 69. In Art. 239 par. 3 is revoked.

§ 70. In Art. 240 par. 3 is created:

„(3) A junior judge with a standing of over two years can be commissioned at a vacant post at a regional court at the same judicial region.”

§ 71. Article 242 is amended as follows:

„**Art. 242.** The administrative manager of the respective court or procurator’s office determines by an ordinance, a judge or procurator – mentor of the junior judge, respectively – of the junior procurator who supervises and supports his professional development.”

§ 72. In Art. 243 par. 1 is amended as follows:

«(1) After the expiry of the term under Art. 240, the junior judge or junior prosecutor is appointed at the post of a judge at a regional court, respectively – prosecutor at a regional prosecutor’s office without holding a competition.”

§ 73. In Art. 244 par. 1 is amended as follows:

„(1) At the regional, district, administrative and court of appeal, at the Supreme Court of Cassation and at the Supreme Administrative Court, there are judicial assistants.”

§ 74. In Art. 246 par. 3 is created:

„(3) On the expiry of a five-year period of their appointment at the respective judicial power body, the judicial assistants and the procurators’ assistants can be appointed at a post of judge at a regional court, respectively – procurator at country procurator’s office without holding a competition.”

§ 75. In Art. 249, par. 1, point 2 after the words „registrar of judges” „the judicial assistants, procurators’ assistants” is added.

§ 76. In Art. 253 point 6 is amended as follows:

„6.makes a proposal to the Supreme Judicial Council to identify personnel strength;”

§ 77. **In Art.** 276 the following amendments and supplements are done:

A new par.1 is created:

„(1) The remuneration of the public judicial administrator is 90% of the remuneration of a judge at a regional court.”

2. The existing text becomes par. 2.

§ 78. In Art. 291 the following amendments and supplements are done:

A new par.1 is created:

„(1) The remuneration of the registrar judge is 90% of the remuneration of a judge at a regional court.”

2. The existing text becomes par. 2.

§ 79. In art. 297 par. 3 is amended as follows:

„(3) The standing is carried out at a regional court, at a district court, at country procurator’s office, at a territorial investigative unit, as well as at an attorney or notary in the order determined by the chairman of the district court.”

§ 80. In art. 307, par. 3 points 2, 3 and 4 are amended as follows:

„2. acts of omission and commission which unreasonably slow down the proceedings;
3. violation of the Code of ethics of the judges, procurators and investigators;
4. acts of omission and commission which impair the reputation of the judicial power;”

§ 81. In art. 310 the following amendments and supplements are done:

1. Paragraph 1 is amended as follows:

„(1) Disciplinary proceedings are initiated by an ordinance, respectively – by a decree of the punishing body within a period of six months of the disclose but not later than three years of commitment of the violation. When these terms have expired, disciplinary proceedings are not initiated. ”

2. In par. 3 sentence second is created: “Upon violation under Art. 307, par. 3, point 4 the terms under par. 1 start to run as of the public announcement of the actions, derogating the reputation of the judicial power”.

3. paragraph 4 is amended as follows:

„(4) upon disciplinary violation which is also a crime, ascertained by a sentence entered into force or by a determination for termination of criminal proceedings entered into force on the grounds of Art. 24, par. 1, point 2 and 3 and par. 3 of the Penal – Procedural Code, the terms under par. 1 start to run as of the entry into force of the sentence or the determination.”

§ 82. In Art. 313 par. 1 and 2 are amended as follows:

„(1) Prior to imposing of disciplinary punishment, the punishing body – in the cases of under Art 311, point 1 and 3 and the disciplinary composition - in the cases under Art. 311, point 2, hears the person brought to disciplinary liability or accepts his written explanation and collects evidence important for the case.

(2) When the person brought to disciplinary liability has not been heard or his written explanation has not been accepted, the judge recalls the imposed disciplinary punishment without reviewing the case in substance, except in the cases when the person has not provided explanation or has not been heard through his fault.”

§ 83. In Art. 316, par. 5 the words „Civil – Procedure Code” are replaced by „Administrative –Procedural Code».

§ 84. In Art. 318 the following amendments are done:

Paragraph 1 is amended as follows:

“(1) The sessions of the disciplinary composition are held behind closed doors.”

2. In par. 3 the words „Civil – Procedural Code” are replaced by „Administrative – Procedural Code».

§ 85. In Art. 319, par. 1 the words „in a 7 – day period” are replaced by „within a month period”.

§ 86. In Art. 320 the following amendments and supplements are done:

1. In par. 1 the word „in a 7 – day period” are replaced by „in a 3-day period”.

2. In par. 2 the words “in a 7 – day period” are replaced by „in a 14-day period”.

3. B par. 5 the words „Civil – Procedural Code” are replaced by „Administrative – Procedural Code».

§ 87. In Art. 323 the following amendments and supplements are done:

Paragraph 1 is amended as follows:

„(1) The decree of the Supreme Judicial Council or the ordinance of the Minister of Justice can be appealed by the person whom a disciplinary punishment is imposed to and by the depositor of the proposition to the Supreme Administrative Court in a 14-day period of the notification.”

2. Paragraph 4 is amended as follows:

„(4) The decree of the three-member composition of the Supreme Administrative Court is subject to cassation review in a 14-day period of its notification to the five-member composition of the Supreme Administrative Court . The five members review the case in a month time of the entrance of the appeal to the court of cassation.”

3. Paragraph 5 is revoked.

§ 88. In Art. 327 the words «by the investigators of the National Investigative Service and by the district investigative services” are replaced by „ and to the investigators of the National Investigative Service».

§ 89. In Art. 328 the words „Civil – Procedural Code” are replaced by „Administrative –Procedural Code».

§ 90. In Art. 329, par. 3 the following amendments and supplements are done:

1. A new point 7 is created:

«7. Cases for adoption of a child;»

The existing point 7 becomes point 8».

§ 91. In Art. 338 point 13 is amended as follows:

«13. The Procurator General– for the procurators at the Supreme Procurator’s Cassation and at the Supreme Administrative Procurator’s Office, for the appellate procurators and military appellate procurator.”

§ 92. In Art. 340, par. 2 the words „district investigative services” are replaced by „territorial investigative units” at the end.

§ 93. In Art. 341 par. 2 is amended as follows:

„(2) the number of the judicial officials for each judicial power body is determined by the Supreme Judicial council by the recommendation of the respective administrative

manager.”

§ 94. In Art. 342 par. 1 and 2 are amended as follows:

„(1) The Supreme Judicial Council adopts rules of procedure for the administration of the judicial power bodies.

(2) The units of administration, their functional characteristics, the organization of the work of the administration of the judicial power bodies, the job schedule, the typical job descriptions of the judicial officials, the order for holding competition, the conditions for incompatibility for a judicial official and the bodies of their appointment are determined by the rules of procedure.”

§ 95. In Art. 356, par. 5 point 1 is amended as follows:

„1. recommends the employees to be appointed and dismissed at the administration of the Inspectorate within the Supreme Judicial Council to the Chief Inspector .”

§ 96. In Art. 357 par. 3 and 4 is amended as follows:

„(3) Appointing chief secretary and judicial administrator is carried out after holding a competition organized by the administrative manager of the respective judicial power body.

(4) The competition is held by a commission with a composition of three to five members, appointed by a written ordinance of the administrative manager of the respective judicial power body whom the competition of chief secretary or judicial administrator is announced for.”

§ 97. In Art. 361 the following amendments and supplements are done:

1. Paragraph 3 is amended as follows :

„(3) The budget of the judicial power includes all revenues of the activity of the judicial power bodies and of the National Justice Institute, the expenditures for judicial power bodies allowance, of the Inspectorate within the Supreme Judicial Council and of the national Justice Institute, with the exception of the expenditures which by virtue of the present law are determined through the budget of the Ministry of Justice, the interrelations with the central budget and other budgets and the financing of the budget balance.”

Par. 4 is created:

„(4) Failure to execute of revenues within the budget if the judicial power for the respective year is on the account of the unused cash of the previous year and an additional subsidiary of the central budget.”

§ 98. Article 362 is amended as follows:

„**Art. 362.** The Minister of Justice proposes a draft of a budget of the judicial power and submits it for discussion at the Supreme Judicial Council.”

§ 99. Article 378 and 379 are amended as follows:

«**Art. 378.** (1) The Unified Information System to Counteract Crime (UISCC) is a set of automated information systems of the judicial and executive powers which processes information for events and objects and as a whole carries out unified information provision of the activity of counteracting crime.

(2) The judicial power bodies, the Ministry of Interior and the State National Security Agency, the Ministry of Defense, the Ministry of Justice and the Ministry of Finance when meeting the requirements under par. 3 establish, maintain, use and develop departmental information systems which are part of the UISCC or exchange information with UISCC.”

(3) Bodies and institutions under par. 2 provide financing from their budgets for

establishing, maintaining, using and developing of departmental components of the UISCC.

(4) The order and way of interaction of the bodies and institutions under par. 2 for provision, functioning of the UISCC are provided by a regulation adopted by the Council of Ministers, concerted with the Supreme Judicial Council.”

„**Art. 379.** (1) Establishing, maintaining, using and developing of the UISCC are carried out by the Supreme Judicial Council.

(2) Activities under par.1 are provided by a regulation of the Supreme Judicial Council

(3) The bodies and institutions under Art. 378, par. 2, whose automated systems are related to the UISCC are obliged to provide information, necessary for the functioning of the UISCC.”

§ 100. Articles from 380 to 382 including are revoked.

§ 101. Articles 383 - 385 are amended as follows:

„**Art. 383.** (1) The methodical direction of the UISCC is carried out by the Supreme Judicial Council.

(2) In performing of its activity under par. 1, the Supreme Judicial Council is supported by the Interagency Council composed of the representatives of the bodies and institutions under Art. 378, par. 2, as well a representative of the National Statistics Institute and the Inspectorate within the Supreme Judicial Council.

(3) The organization of the activity of the Interagency Council is determined by the regulation under Art. 379, par. 2.

Art. 384. The officials identified by the Interagency Council on the basis of a list approved by the Supreme Judicial Council have access to the data contained in the UISCC have .

Art. 385. (1) Information servicing of the activities of the judicial power is carried out by the Supreme Judicial Council with the assistance of the Ministry of Finance, Ministry of Regional development and Public Works – through the provision of access to the National Database – “Population”, the National Statistics Institute and the Bulgarian Standardization Institute, including through the provision of personal data in an electronic format or through a distant access to database, in accordance with the order and conditions envisaged in the Law for the Protection of the Personal Data.

(2) The order and the way for rendering of assistance under par.1 of the Ministry of the Regional Development and Public Works through the provision of personal data by the Unified System Civil Registration and Administrative Servicing of the Population (National Database “Population”) is determined by a regulation issued by the Minister of Justice and the Minister of Regional Development and Public Works.”

§ 102. Article 386 is revoked.

§ 103. Article 387 is amended as follows:

„**Art. 387.** The Minister of Justice organizes the management of the judicial power property.”

§ 104. In art. 388, par. 2 the word „main” is erased and after the word „rents” „insurances and reevaluations” is added.

§ 105. In Art. 389, „without their consent” is added at the end.

§ 106. Art. 390 is amended as follows:

„**Art. 390.** (1) The means for acquisition, managing and administration of movable properties are provided by the judicial power budget.

(2) The Supreme Judicial Council can present the management of the moveable properties from one judicial power body to another with the consent of the administrative

managers of the judicial power bodies.”

§ 107. In Art. 391 the following amendments and supplements are done:

1. Paragraph 1 is amended as follows:

„(1) There is a General “Security” Directorate within the Minister of Justice which carries out the activity of safeguarding the judicial power bodies.”

2. A new par. 2 is created:

„(2) The General “Security” Directorate is a judicial entity located in Sofia and is a secondary authorizing office with the budget credits to the Minister of Justice.”

3. The existing par. 2 becomes par. 3 is amended as follows:

„(3) General “Security” Directorate”:

1. organizes and carries out safeguarding of the judicial buildings;
2. provides the order at the judicial buildings and the security of the judicial power bodies in carrying out their powers;

3. organizes and carries out the safeguarding of judges, investigators and protected persons under the conditions and order envisaged in a law;

4. assists the judicial power bodies in summoning persons after exhaustion of possibilities under Art. 178, par. 1 of the Penal - Procedural Code, as well as to the public judicial administrators;

5. brings persons to a judicial power body by force when it is enacted by a judicial power body. If necessary, the persons are accommodated at the investigative detention places under the conditions of Art. 129, par. 3 of the Law for Execution of Punishments;

6. escorts accused and defendants for whom bail is requested or enacted or persons serving a term of imprisonment at the detention places to the judicial power bodies beyond the cases under the Ministry of Interior Law;

7. answers the orders of procurators for carrying into execution of sentences entered into force with imprisonment imposed punishment and if necessary seeks assistance by the bodies of the Ministry of Interior;

8. carries out check-ups and controls observance of the rules and norms for the protection and safeguarding in planning, constructing and exploitation of buildings of the judicial power;

9. carries out coordination of projects and provides comments for introduction into exploitation of buildings of the judicial power in relation to protection and safeguarding;

10. establishes and maintains for the needs of its activity information funds where it collects, processes, preserves and use information acquired in or on the occasion of execution of its functions;

11. receives by the Ministry of Interior information, related to the execution of its functions.”

4. The existing par. 3 and 4 become respectively par. 4 and 5, and in par. 5 the words „under par. 2” are replaced by „under par. 3”.

5. Par. 6 is created:

„(6) The organization and activity of the General “Security” Directorate are regulated by rules of procedure issued by the Minister of Justice.”

§ 108. Article 393 is amended as follows:

“Art. 393. (1) The personnel of the General “Security” Directorate in carrying out the functions under Art. 391, par. 3 has the rights and obligations under Art. 55, par. 1, 2, 4 and 5, Art. 56, 57, 61, art. 63 - 68 and Art. 69 – in the cases under Art. 61, par. 1, point 1, 4 and 5, Art. 72, 73 and Art. 74, par. 1, 2 and 5 and Art. 89 of the Ministry of Interior Law and under the Decree for combating minor hooliganism.”

(2) In relation to the personnel of the General “Security” Directorate the regulations of Section three, chapters fifteen – twenty of the Ministry of Interior Law.”

§ 109. In Art. 401, par. 1 the words „the chairman of the administrative court and the director of the district investigative service” are replaced by „and the chairman of the administrative court.”

§ 110. In Art. 405 par. 4 is amended as follows:

„(4) The decree or act under the complaint is subject to appeal under the Law for the Administrative Violations and Punishments.”

§ 111. In Art. 80, par. 1, point 2, b. „b”, Art. 86, par.1, point 3, b. „b”, Art. 93, point 2, b. „b”, Art. 106, par. 1, point 3, b. „b” the words „Minister of Justice” are replaced by „Supreme Judicial Council”.

§ 112. Everywhere in the law the words „the junior judge, the junior procurator and the junior investigator”, „junior judges, junior procurators and junior investigators” and „the junior judges, the junior procurators and the junior investigators” are replaced respectively by „junior judge and junior procurator”, „the junior judge and the junior procurator”, „junior judges and junior procurator” and „the junior judges and the junior procurators”.

TRANSITIONAL AND CONCLUDING REGULATIONS

§ 113. The district investigative services are closed down as of the day of the entry into force of the law.

§ 114. The National Investigative service is a successor of the assets, liabilities, the rights and obligations of the district investigative services.

§ 115. The Supreme Judicial council in a 15-day period of the entry into force of the law determines the number, numerical strength and region of activity of the territorial investigative units under Art.149, par. 4.

§ 116. The Supreme Judicial Council in a 45-day period of the entry into force reappoints without competition the investigators of the district investigative services who have declared in a 30-day period of the entry into force, their written agreement and in compliance with the current standing at the post of procurator at the respective district or country procurator’s offices, judge at the respective regional courts or investigator at the territorial investigative units under Art. 149, par. 4, by preserving of the rank which they had.

§ 117. Investigators of the district investigative services, the reappointed without competition at the post of judge or procurator, immediately after entry into post, undergo an obligatory two-month course of training at the National Justice Institute.

§ 118. The supreme Judicial Council in a 45-day period of the entry into force of the law, reappoints without competition the established junior investigators of the district investigative services who as of the day of entry into force has not passed the three-year standing at the post of a junior procurator at the respective country procurator’s offices.

§ 119. The Supreme Judicial Council in a 45-day period of the entry into force of the law, reappoints without a competition the judicial officials at the district investigative services at the territorial investigative units under Art. 149, par. 4 or at the respective district or country procurator’s offices and regional courts by preserving of the rank which they have had.

§ 120. The Supreme Judicial Council simultaneously with the reappointment, transfers the vacant positions for investigators and judicial officials of the closed district investigative services of the district or country procurator's offices, respectively – the regional courts in which the reappointment has been done.

§ 121. (1) The investigative cases not terminated by the entry into force of the law, under which investigative actions are in process, are finalized by the investigators, reappointed at the post of an investigator at a territorial investigative unit or procurator at the respective procurator's office with the exception of the closed cases which are finalized by the respective procurator's office.

(2) The investigative cases not terminated by the entry into force of the law, of investigators, reappointed at the post of a judge at a regional court are terminated by an investigator of the respective territorial investigative unit.

§ 122. Within one month period of the entry into force of the law, the vacant posts for junior prosecutors at the district procurator's offices are transformed at posts for procurators.

§ 123. (1) The standing of persons acquired at the post of an investigator at a district investigative services is considered as a standing under Art. 164, par. 6.

(2) The standing of persons acquired at the post of a junior investigator at a district investigative service is considered as a standing under Art. 209, par. 2 and Art.164, par. 6.

§ 124. The standing of persons with university legal education acquired at the post of an investigator in the system of the Ministry of Interior or an investigator at the Ministry of Defense by the entry into force of the Law for Amendment and Supplement of the Law of the Ministry of Interior (promulgated., SG, issue 69 as of 2008) is considered for a standing under Art. 164, par. 6.

§ 125. The found judges at the Supreme Court of Cassation and at the Supreme Administrative Court, procurators at the Supreme Procurator's Office and the Supreme Administrative Procurator's Office and investigators at the national Investigative Service who do not meet the requirements for a standing under Art. 164, par. 5, preserve the posts that they occupy.

§ 126. The disciplinary proceedings that are not terminated by the entry into force of the present law are reviewed under the existing order.

127. In a three-month period of the entry into force. The Supreme Judicial Council adopts Code of Ethics of the judges, procurators and investigators, Code of Ethics of the judicial officials, regulation under Art. 189, par. 4 and the regulation under Art. 209a.

§ 128. In a three-month period of the entry into force of the law, the Minister of Justice issues rules of procedure under Art. 391, par. 6.