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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**JUDICIARY SYSTEM ACT
OF BULGARIA**

Judiciary System Act

Promulgated, SG No. 64/7.08.2007

*Note: An update of the English text of this Act is being prepared

following the amendments in SG No. 69/5.08.2008, SG No. 109/23.12.2008

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Text in Bulgarian: Закон за съдебната власт

Chapter one

General provisions

Article 1

This Act shall set forth the structure and operational principles of judicial system bodies, the interaction among them, as well as that among judicial system bodies and the legislative and executive ones.

Article 2

Judicial system bodies shall be guided by the Constitution and the principles herein set forth.

Article 3

In adopting their acts judges, prosecutors and investigating magistrates shall be based on the law and the evidence gathered in the case.

Article 4

Judicial system bodies shall impartially discharge their functions.

Article 5

(1) Citizens and moral persons shall be entitled to obtain information about the work of the Judiciary.

(2) Judicial system bodies shall be held to ensure openness, accessibility and transparency in their actions in pursuance hereof and in pursuance of the procedural laws.

(3) To the purpose of affording full protection, in diverse situations as required, of the rights of citizens and moral persons and to the purpose of implementing the criminal policy of the state, judicial system bodies shall interact with legislative and executive bodies.

Article 6

Judges, prosecutors and investigating magistrates shall be politically neutral in carrying out their business.

Article 7

(1) Everyone shall be entitled to a fair and open trial within reasonable time before an independent and impartial court.

(2) Citizens and moral persons shall be entitled to judicial protection that shall not be denied to them.

(3) Subject to the terms and procedure specified by law citizens may obtain legal aid, which shall be financed by the state.

Article 8

(1) Judicial system bodies shall apply the laws with precision and uniformity in respect to all persons and cases to which such laws are relevant.

(2) No limitation of rights or any privileges based on race, nationality, ethnicity, sex, origin, religion, education, convictions, political affiliation, personal or social status or patrimony shall be allowed in the discharge of functions of the Judiciary and in recruitment for the positions at judicial system bodies.

Article 9

(1) Cases and files shall be distributed inside judicial bodies on the basis of the random selection principle through electronic assignment following the sequence of their intake.

(2) The random selection principle for the distribution of cases in courts shall apply at the level of the colleges or of the divisions and in prosecution offices - at the level of departments.

Article 10

(1) Judicial proceedings in civil and criminal matters shall be conducted before three instances, i.e. the first, the appellate and the cassation ones, unless otherwise provided for by law.

(2) Judicial proceedings in administrative cases shall be conducted before two instances, i.e. the first and the cassation ones.

(3) Judicial acts that have entered into force shall only be repealed in cases provided for by law.

Article 11

(1) A higher-standing instance shall only control the acts of a lower-standing one in the events and in pursuance of the procedure provided for by law.

(2) One judge may not take part in examining the same case in different judicial instances.

Article 12

(1) Judicial system bodies shall be obligated to examine and, in accordance with the law, to resolve any request filed with them.

(2) The time limits specified by procedural laws in respect to the discharge of powers attributed to judges, prosecutors and investigating magistrates shall be mandatory for them, but shall not affect the rights of the parties at trial.

Article 13

Proceedings before judicial system bodies shall be conducted in Bulgarian.

Article 14

(1) Records of proceedings shall be drafted in Bulgarian.

(2) In cases where certain words or expressions in a foreign language have particular relevance to a case, their entry on the record may be authorised.

Article 15

Where a court has judged that a law stands in contradiction to the Constitution of the Republic of Bulgaria, it shall notify the Supreme Court of Cassation or the Supreme Administrative Court, while prosecutors and investigating magistrates shall notify the Prosecutor General.

Chapter two

Supreme Judicial Council
Section I

Legal status and composition of the Supreme Judicial Council

Article 16

(1) The Supreme Judicial Council shall be a permanent body representing the Judiciary and securing its independence. It shall set the composition and work organisation of the Judiciary and shall manage its business without interfering with the independence of the bodies thereof.

(2) The Supreme Judicial Council shall be a moral person seated in Sofia. It shall be represented by one of its elected members, designated by resolution of the Supreme Judicial Council.

(3) The Supreme Judicial Council shall have a round stamp bearing an image of the coat of arms of the Republic of Bulgaria and the words "Republic of Bulgaria. Supreme Judicial Council".

Article 17

(1) The National Assembly shall elect members of the Supreme Judicial Council among judges, prosecutors, investigating magistrates, full professors in legal science, attorneys at law or other lawyers.

(2) Judicial system bodies shall elect members of the Supreme Judicial Council out of their own composition, the judges electing six, the prosecutors - four and the investigating magistrates - one of these.

Article 18

(1) An elected member of the Supreme Judicial Council may not:

1. Be a member of the National Assembly, a mayor or municipal councillor,

2. Hold a position with state or municipal bodies,

3. Conduct trade or be a partner, manager or sit on supervisory, management boards or boards of directors or in control bodies of commercial companies, cooperatives or not-for-profit moral persons that carry out profitable business,

4. Be remunerated for business performed under a contract or while in a civil service relationship with a state or public organisation, a commercial company, cooperative, not-for-profit moral person, a natural person or sole trader, with the exception of research and teaching or the exercise of copyright,

5. Exercise a liberal profession or any other remunerated professional activity,
6. Be a member of political parties or coalitions, of organisations with a political goal, carry out political activity and be a member of organisations or conduct business interfering with his independence,
7. Be a member of trade union organisations outside the Judiciary,
8. Have been convicted of a serious criminal offence, notwithstanding any subsequent rehabilitation or have been discharged of criminal liability for a deliberate offence,
9. Be a spouse, a relative of direct, or of collateral lineage to the fourth degree, or by marriage - to the third degree inclusive, or living together as partners with, another member of the Supreme Judicial Council, with an administrative head of a judicial system body or with the Minister of Justice.

(2) An elected member shall be relieved from office by the Supreme Judicial Council where he fails to vacate office or terminate his business under Paragraph 1 within a month of being elected.

Article 19

The National Assembly and judicial system bodies shall elect members of the Supreme Judicial Council within up to one month prior to the expiry of the term of office of elected members.

Article 20

(1) The election of a Supreme Judicial Council member from the quota of the judges and prosecutors shall take place on the occasion of separate delegate assemblies of the judges and the prosecutors at a representation ratio of one delegate per 10 people. In case less than five people remain unrepresented no other delegate shall be elected.

(2) The election of a Supreme Judicial Council member from the quota of investigating magistrates shall take place on the occasion of a general assembly, in which all investigating magistrates in the Republic of Bulgaria shall take part.

Article 21

(1) The Supreme Court of Cassation, the Supreme Administrative Court, the Supreme Prosecution Office of Cassation, the Supreme Administrative Prosecution Office, the appellate courts, the appellate prosecution offices and the administrative courts shall elect delegates on the occasion of separate assemblies.

(2) The judges and prosecutors in the area of the district court concerned shall elect delegates on the occasion of separate assemblies.

(3) Judges at the military courts shall elect delegates on the occasion of a general assembly of all military courts.

(4) Prosecutors and investigating magistrates at the military prosecution offices shall elect delegates on the occasion of a general assembly of all military prosecutors and military investigating magistrates.

Article 22

(1) An assembly for the election of delegates shall be convoked by written invitation of the head of the respective judicial system body or at the request of one-fifth of Supreme Judicial

Council members, within up to two months prior to the expiry of the term of office of the elected members of the Supreme Judicial Council. The invitation convoking the assembly shall state the date, venue and time thereof.

(2) Where the assembly has not been convoked by the persons under Paragraph 1 within 7 days of the expiry of the term under Paragraph 1, the Minister of Justice shall specify the date, venue and time thereof.

(3) The assembly for the election of delegates shall take place where more than half of the persons entitled to take part therein are present. In the absence of quorum, the assembly shall take place an hour later than stated and it shall be considered valid where one-third of those entitled to take part in it are present.

(4) Delegates shall be elected by secret ballot with a majority of more than half of those present. Following the election, the record of proceedings containing the resolution on the election of delegates shall be immediately forwarded to the Supreme Judicial Council who shall enter the elected persons on the list of participants in the general delegate assembly.

Article 23.

(1) The general delegate assembly of the judges shall be jointly convoked by the Chairperson of the Supreme Court of Cassation and by the Chairperson of the Supreme Administrative Court.

(2) The general delegate assembly of the prosecutors shall be convoked by the Prosecutor General.

(3) The general assembly of the investigating magistrates shall be convoked by the Director of the National Investigation Service.

(4) The assemblies under Paragraphs 1 and 2 shall be convoked within 14 days of the respective assemblies for the election of delegates taking place.

(5) The assemblies under Paragraphs 1 - 3 shall take place where two-thirds of the elected delegates or of all investigating magistrates are present thereat.

Article 24

(1) The general delegate assemblies shall elect members of the Supreme Judicial Council by secret ballot and a majority of more than half of those present.

(2) Where one or more candidates have failed gathering the required majority in the first round of voting, a second round of voting shall take place. Where one or more candidates have failed gathering the required majority in such repeated voting, those who have obtained the largest number of votes shall be considered elected.

Article 25

(1) The administration of the Supreme Judicial Council shall take care of the organisation and technical arrangements for the assemblies.

(2) Expenses for the assemblies shall be covered from the Supreme Judicial Council budget.

Article 26

(1) The legality of election of a Supreme Judicial Council member elected by judicial system bodies may be challenged before the Supreme Administrative Court through appeal signed by one-fifth of the delegates or of the members of the general assembly or by a

candidate having a legal interest to act.

(2) The appeal shall be submitted within three days of the announcement of election results.

(3) The Supreme Administrative Court sitting in a five-member panel shall rule by judgement within 7 days of receipt of the appeal. This judgement shall be final.

(4) The Supreme Judicial Council shall schedule a new election within up to one month of the entry into force of the judgement, declaring the election illegal.

Article 27

(1) An elected member of the Supreme Judicial Council shall be relieved from office prior to the expiry of his term on grounds of Article 130, Paragraph 8 of the Constitution of the Republic of Bulgaria, as well as in the event of established incompatibility due to positions or business under Article 18, Paragraph 1.

(2) In cases under Article 130, Paragraph 8, item 1 of the Constitution of the Republic of Bulgaria, the Supreme Judicial Council shall announce the resignation of an elected member at its first session after the submission thereof.

(3) The procedure for early relief from office shall commence at the request of one-fifth of the members of the Supreme Judicial Council on grounds of Article 130, Paragraph 8, items 2 - 4 of the Constitution of the Republic of Bulgaria or where the incompatibility of a member of the Supreme Judicial Council elected by judicial system bodies has been found.

(4) The procedure for early relief from office shall commence at the request of one-fifth of the members of the National Assembly on grounds of Article 130, Paragraph 8, items 2 - 4 of the Constitution of the Republic of Bulgaria or where the incompatibility of a member of the Supreme Judicial Council elected by the National Assembly has been found.

(5) The resolution of the Supreme Judicial Council on the early relief from office of a member shall be adopted within one month of receipt of the request under Paragraph 3 or Paragraph 4 by a majority of more than two-thirds of the members thereof.

Article 28

Within one month of expiry of the term of office or of its early termination on grounds of Article 130, Paragraph 8, item 1 of the Constitution of the Republic of Bulgaria, the elected member of the Supreme Judicial Council shall be reinstated to the position he had occupied before being elected, the time spent as a member of the Supreme Judicial Council counting toward his service record under Article 164, Paragraphs 1 - 5.

Article 29

The remuneration of an elected member of the Supreme Judicial Council shall equal the remuneration of a judge at the Supreme Court of Cassation.

Section II

Business and organisation of the Supreme Judicial Council

Article 30

(1) In order to discharge the powers specified by the Constitution, the Supreme Judicial Council shall carry out the following business:

1. Discuss the draft budget of the Judiciary, as proposed by the Minister of Justice, submit it to the Council of Ministers for incorporation in the draft State Budget of the Republic of

Bulgaria Act and control its implementation,

2. Set the number, judicial areas and the seats of regional, district, administrative and appellate courts at the proposal of the Minister of Justice and, as regards military courts - in coordination with the Minister of Defence,

3. Set the number of judges, prosecutors and investigating magistrates in the courts, prosecution offices and investigation bodies,

4. Organise and carry out competitions for the positions of judges, prosecutors and investigating magistrates,

5. Set the number of administrative heads and of the deputies of administrative heads for the respective judicial system bodies, appoint and relieve them from office, with the exception of the Chairperson of the Supreme Court of Cassation, the Chairperson of the Supreme Administrative Court and the Prosecutor General,

6. Propose the Chairperson of the Supreme Court of Cassation, the Chairperson of the Supreme Administrative Court and the Prosecutor General for appointment and relief from office by the President of the Republic of Bulgaria,

7. Elect and relieve from office the Director of the National Investigation Service,

8. Set the remuneration of judges, prosecutors and investigating magistrates,

9. Inspect the workload of judicial system bodies,

10. Appraise the performance of judges, prosecutors, investigating magistrates and of administrative heads,

11. Keep and store service files of judges, prosecutors and investigating magistrates,

12. Endorse rules of professional ethics adopted by the professional organisations of judges, prosecutors and investigating magistrates,

13. Every semester require and summarise information from the courts, prosecution offices and the National Investigation Service about their business,

14. No later than 31 May, prepare and submit to the National Assembly a summary annual report on its business and on the business of the Inspectorate at the Supreme Judicial Council, as well as the annual reports of the Supreme Court of Cassation, the Supreme Administrative Court and of the Prosecutor General,

15. Set up and maintain an electronic public register of all its resolutions and the reasoning thereto,

16. Approve the automated information systems required for the business of the Judiciary and ensure system integration and interoperability,

17. Organise, manage and control the participation of judges, prosecutors and investigating magistrates in international legal cooperation, including, among others, their participation in the national judicial network.

(2) While discharging its business under Paragraph 1, the Supreme Judicial Council shall require the opinion of the administrative heads of the respective judicial system bodies and

when these have a bearing on prosecutors and military investigating magistrates - of the Prosecutor General.

(3) The business of the Supreme Judicial Council shall be assisted by an administration. The number of staff in the administration may not exceed two and a half times the number of Supreme Judicial Council members.

(4) The Supreme Judicial Council shall adopt Regulations concerning the organisation of its business and its administration which shall be published in the State Gazette.

Article 31

The Supreme Judicial Council shall provide the Council of Ministers and the National Assembly with opinions on draft legislation with a bearing on the Judiciary.

Article 32

(1) The Minister of Justice shall set up and head the sessions of the Supreme Judicial Council.

(2) In his absence the sessions shall be chaired in turn by an ex officio Supreme Judicial Council member.

(3) In cases under Paragraph 2, the Minister of Justice shall inform his replacement in advance to allow him organising the session. In such cases a deputy minister, designated by the Minister, may attend the session.

(4) In case all ex officio members are absent from a Supreme Judicial Council session, it shall be chaired by a member of the Supreme Judicial Council following the order of seniority.

Article 33

(1) Supreme Judicial Council sessions shall be convoked by the acting chair at least once every week.

(2) Supreme Judicial Council members shall be notified of the date and agenda for the session three days in advance, with written material for the session being provided to them.

(3) Additions to the agenda notified in advance can be made on the session day upon resolution of the Supreme Judicial Council.

(4) Supreme Judicial Council sessions shall be public except where documents classified in pursuance of the Classified Information Protection Act or proposals for the imposition of disciplinary sanctions are discussed.

(5) Resolutions adopted in a closed session shall be announced publicly.

Article 34

(1) A session of the Supreme Judicial Council shall be held where more than half of its members are present.

(2) Resolutions shall be adopted by a majority of more than half of the Supreme Judicial Council members present, by public voting, unless otherwise required by the Constitution.

(3) It shall be considered that a resolution whereby a proposal is not adopted is reasoned by means of the negative views, if any, stated by Supreme Judicial Council members. It shall be considered that a resolution of the Supreme Judicial Council whereby a proposal is adopted shall have the considerations of its sponsor as reasoning.

Article 35

A member of the Supreme Judicial Council shall not be entitled to vote for a resolution applying to him individually or to his spouse, relative of direct lineage, of collateral lineage to the fourth degree and by marriage - to the third degree.

Article 36

(1) The interested parties may challenge Supreme Judicial Council resolutions within 14 days of their notification. An appeal shall not suspend the execution of a resolution, unless otherwise ordered by the court.

(2) The appeal shall be examined by a three-member panel of the Supreme Administrative Court within one month of being received in court together with the administrative file.

(3) The judgement of the three-member panel of the Supreme Administrative Court shall be subject to appeal on points of law before a five-member panel of the Supreme Administrative Court within 14 days of its notification.

Article 37

(1) The Supreme Judicial Council shall elect from among its members a standing Commission on proposals and the performance appraisal of judges, prosecutors and investigating magistrates, as well as other standing commissions that shall assist its business.

(2) The type and number of members of the standing commissions, as well as their powers, with the exception of those given to the Commission on proposals and the performance appraisal of judges, prosecutors and investigating magistrates, shall be specified in the Regulations under Article 30, Paragraph 4.

(3) The Supreme Judicial Council may set up ad hoc commissions for the discharge of specific tasks related to its powers.

Article 38

(1) The Commission on proposals and the performance appraisal of judges, prosecutors and investigating magistrates shall make proposals to the Supreme Judicial Council regarding:

1. The number of judges, prosecutors and investigating magistrates, as well as that of the administrative heads and their deputies,

2. The appointment, promotion in rank or position and the relief from office of judges, prosecutors and investigating magistrates,

3. The appointment and relief from office of the administrative heads and of the deputies of administrative heads, with the exception of the Chairperson of the Supreme Court of Cassation, the Chairperson of the Supreme Administrative Court, the Prosecutor General and the Director of the National Investigation Service,

4. Resolutions on the acquisition of a tenure status by judges, prosecutors and investigating magistrates.

(2) Proposals to the Commission on proposals and the performance appraisal of judges, prosecutors and investigating magistrates in relation to the discharge of its powers under Paragraph 1 shall be extended by the interested judge, prosecutor or investigating magistrate or by no less than one-fifth of the Supreme Judicial Council members.

(3) Proposals shall also be made by the respective administrative head, as follows:

1. By the Chairperson of the Supreme Court of Cassation for:
 - a) His deputies and the judges of this court,
 - b) The chairpersons of appellate courts and of the Military Appellate Court;
2. By the Chairperson of the Supreme Administrative Court for his deputies and the judges of this court, as well as for the chairpersons of administrative courts;
3. By the Prosecutor General for:
 - a) His deputies at the Supreme Prosecution Office of Cassation and at the Supreme Administrative Prosecution Office and for the prosecutors at these prosecution offices,
 - b) Regional, district, district military and appellate prosecution offices and for the Appellate Military Prosecutor;
4. By appellate prosecutors and by the Appellate Military Prosecutor for their deputies and for the prosecutors at the appellate prosecution offices and at the Appellate Military Prosecution Office;
5. By district military prosecutors - for their deputies, for the prosecutors at district military prosecution offices and for military investigating magistrates;
6. By district prosecutors - for their deputies and the prosecutors at district prosecution offices;
7. By regional prosecutors - for their deputies and the prosecutors at regional prosecution offices;
8. By chairpersons of appellate courts and of the Appellate Military Court for:
 - a) Their deputies and for judges at these courts,
 - b) The chairpersons of the respective district and military courts;
9. By chairpersons of district courts for:
 - a) Their deputies and the judges at these courts,
 - b) The chairpersons of regional courts in the area of the respective district court;
10. By chairpersons of administrative courts - for their deputies and the judges at these courts;
11. By the chairpersons of the military courts - for their deputies and for the judges at these courts;
12. By chairpersons of regional courts - for their deputies and the judges at these courts;
13. By the National Investigation Service director, for:
 - a) His deputies and the investigating magistrates at the National Investigation Service,

b) The directors of district investigation services;

14. By directors of district investigation services - for their deputies and the investigating magistrates at these services.

(4) The Minister of Justice may provide opinions on the proposals addressed to the Supreme Judicial Council.

(5) The Commission on proposals and the performance appraisal of judges, prosecutors and investigating magistrates shall discuss the proposals and submit them for examination to the Supreme Judicial Council accompanied by an opinion in writing on each of them.

(6) The Supreme Judicial Council shall adopt resolutions on the proposals made by a majority of more than half of its members.

Article 39

(1) The Commission on proposals and the performance appraisal of judges, prosecutors and investigating magistrates shall carry out the performance appraisal of judges, prosecutors and investigating magistrates.

(2) In order to discharge its powers under Paragraph 1 the Commission on proposals and the performance appraisal of judges, prosecutors and investigating magistrates shall be assisted by support performance appraisal commissions.

(3) Support performance appraisal commissions shall be set up with all judicial system bodies. Each commission shall be composed of three judges, prosecutors or investigating magistrates designated by the administrative head of the respective judicial system body.

Chapter three

Inspectorate at the Supreme Judicial Council
Section I

General provisions
Article 40

The business of the Inspectorate shall be based on the principles of legality, objectivity and publicity.

Article 41

The Inspectorate at the Supreme Judicial Council shall be a moral person seated in Sofia.
Section II

Election and early termination of the term of office of the Inspector

General and of the inspectors
Article 42

(1) Lawyers with a high standard of professionalism and ethics shall be elected to the positions of Inspector General and of inspectors.

(2) An individual who also has at least 15 years of legal service record shall be elected as Inspector General.

(3) Individuals who also have at least 12 years of legal service record shall be elected as inspectors.

(4) At least 8 years, within the service record under Paragraph 3, as a judge at a district or appellate court, the Supreme Court of Cassation or the Supreme Administrative Court, as a prosecutor at a district or appellate prosecution office, at the Supreme Prosecution Office of Cassation or at the Supreme Administrative Prosecution Office or as an investigator at the National Investigation Service or at a district investigation service, shall also be required for five of the inspectors.

Article 43

The Inspector General and inspectors may not be individuals in respect to whom the grounds under Article 18, Paragraph 1 are present.

Article 44

Nominations for the positions of the Inspector General and of inspectors shall be submitted to the National Assembly no earlier than three months and no later than two months prior to the expiry of the term of office of the Inspector General and of the inspectors.

Article 45

(1) Nominations for the positions of the Inspector General and of inspectors shall be examined by a specialised standing commission of the National Assembly.

(2) The specialised standing commission shall conduct a hearing of the nominated candidates meeting the requirements of the law and shall submit to the National Assembly a report summarising the outcomes thereof.

Article 46

The National Assembly shall separately elect the Inspector General and the inspectors by a majority of two-thirds of its members.

Article 47

(1) The Inspector General and the inspectors shall enter office on the day of the expiry of the term of office of the individuals whom they have been selected to replace.

(2) The Inspector General and the inspectors shall vacate the positions and terminate the business incompatible with the requirements of Article 18, Paragraph 1 prior to entering office, of which they shall notify the Chairperson of the National Assembly.

Article 48

(1) The Inspector General and the inspectors shall be relieved from office, prior to the expiry of their term, upon:

1. Resignation,
2. The entry into force of a judicial act for a consummated criminal offence,
3. The presence of a lasting de facto inability to discharge their duties for more than 6 months,
4. Disbarment from the legal profession or from the exercise of business as a lawyer,
5. A serious breach or systematic failure to discharge their official duties, as well as upon taking actions that encroach on the prestige of the Judiciary,
6. Failure to discharge their duties under Article 47, Paragraph 2.

(2) In cases under Paragraph 1, items 2 - 6 a proposal for the relief from office of the Inspector General or of the inspectors may be extended by at least one-fifth of the members of the National Assembly or of the Supreme Judicial Council.

Article 49

Upon relief from office, on grounds of Article 48, Paragraph 1, of the Inspector General or of an inspector, the National Assembly shall elect in his stead a new Inspector General or an inspector who shall serve until the end of his predecessor's term of office.

Article 50

Upon expiry of the term of office or upon early termination thereof on grounds of Article 48, Paragraph 1, item 1, the Inspector General and the inspectors shall be reinstated to the positions occupied by them prior to election.

Article 51

(1) The remuneration of the Inspector General shall equal that of the chairperson of division at the Supreme Court of Cassation.

(2) The remuneration of inspectors shall equal that of a judge at the Supreme Court of Cassation.

Article 52

Time in service as Inspector General or inspector of the Inspectorate at the Supreme Judicial Council shall count toward the service record under Article 164, Paragraphs 1 - 5.

Article 53

Chapter sixteen and Article 350 - 354 shall apply to the Inspector General and to the inspectors.

Section III

Inspectorate powers

Article 54

(1) The Inspectorate shall:

1. Check the organisation of administrative business in courts, prosecution offices and investigation bodies,

2. Check the arrangements made for the institution and progress of court, prosecution and investigation case files, as well as the disposal thereof within the established time limits,

3. Analyse and summarise the cases that have been disposed of by virtue of an effective judicial act, as well as the files and cases assigned to the prosecutors and investigating magistrates,

4. In the presence of contradictory jurisprudence the existence of which has been found in the course of business under Paragraph 3, it shall alert the competent bodies of the need to demand interpretative judgements or interpretative decrees,

5. In presence of violations in the discharge of business under items 1 - 3, it shall alert the administrative head of the body concerned and the Supreme Judicial Council,

6. Make proposals for the imposition of disciplinary sanctions on judges, prosecutors and investigating magistrates and on the administrative heads of judicial system bodies,

7. File tip-offs, proposals and reports with other state bodies, including the competent judicial system bodies,

8. Prepare and submit to the Supreme Judicial Council an annual programme and a report on its business,

9. Discuss the draft budget for the Judiciary proposed by the Minister of Justice with regard to the budgetary account of the Inspectorate and submit it to the Supreme Judicial Council,

10. Provide on an annual basis public information about its business and publish the report on its business on the website of the Supreme Judicial Council.

(2) The Inspectorate shall adopt resolutions by a majority of more than half of its members.

Article 55

(1) In the discharge of its business the Inspectorate shall be assisted by an administration. The number of administrative staff may not exceed the number of inspectors multiplied by two, including the Inspector General.

(2) In addition to the number of administrative staff under Paragraph 1, up to 22 experts with at least 5 years of legal service record, meeting the requirements under Article 18, shall be appointed at the Inspectorate through competition.

(3) Experts at the Inspectorate shall be appointed and relieved from office by the Inspectorate following a proposal of the Inspector General.

(4) The Inspectorate shall adopt Regulations concerning the organisation of its business that shall be published in the State Gazette.

Article 56

(1) The Inspectorate shall act through inspections envisaged in its annual programme or following tip-offs.

(2) An inspection shall be carried out by the Inspector General or by an inspector assisted by experts.

(3) The Inspector General shall fix by order the procedure of inspection.

Article 57

(1) Inspections envisaged in the annual programme shall be carried out by teams designated by a draw of lots that shall include the inspecting officer under Article 56, Paragraph 2 and the experts who will assist him. The draw of lots shall be carried out by the Inspector General in presence of all inspectors, immediately after the annual programme has been elaborated.

(2) For inspections triggered by tip-offs, the inspecting officer under Article 56 Paragraph 2 and two experts shall be designated on the basis of electronic distribution pursuant to the random selection principle in the order of receipt of such tip-offs.

Article 58

(1) Inspections shall be assigned at the order of the Inspector General that shall set out:

1. The judicial system body, the judge, prosecutor or investigating magistrate to be inspected, the objectives and the time imparted for completion of the inspection,

2. The name of the inspecting officers under Article 56, Paragraph 2,
3. The names of the experts who will assist him,
4. The time imparted for drafting the act setting out the outcomes of the inspection.

(2) The act setting out the outcomes of the inspection shall contain the findings from the inspection and, where necessary, recommendations and a time limit for their implementation.

(3) The act setting out the outcomes of the inspection shall be provided to the inspected judge, prosecutor or investigating magistrate, as well as to the administrative head of the judicial system body concerned. Each of them may file objections and submit them to the Inspector General within a period of 7 days.

(4) The administrative head shall notify the Inspector General of the implementation of recommendations, if any, within the time specified in the act setting out the outcomes of the inspection.

Article 59

The administrative heads of judicial system bodies shall be obligated to provide assistance to the Inspector General and the inspectors in the discharge of their powers and provide them access of materials required to this effect.

Article 60

(1) The Inspector General shall also ensure the general organisational and methodological guidance of Inspectorate business by means of:

1. Representing the Inspectorate and designating a replacement during his absence,
2. Disposing of the funds on the budgetary account of the Inspectorate,
3. Controlling the business of inspectors,
4. Making arrangements for the publication of a Bulletin with the outcomes of inspections to be published on the Supreme Judicial Council website,
5. Entering and terminating labour contracts with experts and members of the Inspectorate administrative staff,
6. Making arrangements for improving the qualifications of inspectors and of the Inspectorate administration.

(2) The Inspector General shall take part in Supreme Judicial Council sessions, but not in voting.

Chapter four

COURTS

Section I

General provisions

Article 61

(1) The courts in the Republic of Bulgaria shall be regional, district, administrative, military, appellate ones, a Supreme Court of Cassation and a Supreme Administrative Court.

(2) The courts shall have competent jurisdiction in civil, criminal and administrative cases.

(3) A case examined by a court may not be examined by another body.

Article 62

The areas of regional, district, administrative, military and appellate courts may not necessarily coincide with the administrative division of the country's territory.

Article 63

(1) The regional, district, administrative and military courts shall examine at first instance the cases specified by law.

(2) The district courts shall examine at second instance the appealed acts in cases of the regional courts, as well as other cases assigned to them by law.

(3) The administrative courts shall act in cassation when examining the administrative cases specified by law.

(4) The appellate courts shall examine at second instance the appealed acts in cases of the district courts, as well as other cases assigned to them by law.

(5) The Appellate Military Court shall examine at second instance the appealed acts in cases of the military courts.

(6) The Supreme Court of Cassation shall act in cassation in respect to judicial acts specified by law and shall also examine other cases specified by law.

(7) The Supreme Administrative Court shall examine at first instance the acts specified by law and act in cassation in respect to the appealed acts in cases of the administrative courts and to acts in cases of Supreme Administrative Court three-member panels.

(8) Jurisdiction disputes between the Supreme Court of Cassation and the Supreme Administrative Court shall be resolved by a panel to be composed of three representatives of the Supreme Court of Cassation and of two representatives of the Supreme Administrative Court whose ruling shall be final.

Article 64

(1) Judicial acts shall be published on the website of the respective court once every three months, subject to the Personal Data Protection Act and to the Classified Information Protection Act.

(2) Case acts affecting the civil or health status of individuals shall be published without their reasoning.

Article 65

All courts shall be moral persons funded by the state budget.

Section II

Court assessors

Article 66

(1) In cases specified by law, court assessors shall also be part of the judicial panel examining a case at first instance.

(2) Court assessors shall have the same rights and obligations as judges.

Article 67

(1) A court assessor shall be a legally competent Bulgarian national who has turned 21 years and has not turned 70 years of age at the time in which he is appointed as court assessor, has good reputation in society and has not been convicted of a deliberate criminal offence, notwithstanding any subsequent rehabilitation.

(2) Court assessors in military courts may be generals (admirals), officers and non-commissioned officers in permanent military service.

Article 68

(1) The municipal councils in the judicial area of the respective court shall nominate court assessors, at least 10 percent of such nominees having a teaching background.

(2) Court assessors shall be designated for:

1. The regional courts - by the general assembly of the judges of the respective district court,

2. The district courts - by the general assembly of the judges of the respective appellate court.

(3) Court assessors in military courts shall be designated at the proposal of commanding officers of the respective military unit by the general assembly of the judges of the Appellate Military Court.

Article 69

The term of office of court assessors shall be 5 years.

Article 70

Court assessors shall take oath before the respective general assembly.

Article 71

A court assessor shall be relieved from office early by the respective general assembly acting at the proposal of the chairperson of the court:

1. At his own request,

2. Following incapacitation,

3. Following conviction of a deliberate criminal offence,

4. In presence of a lasting de facto inability to discharge his duties for more than one year,

5. For reason of a serious breach of his duties or of systematic failure to discharge these or of having taken action which undermines the prestige of the Judiciary.

Article 72

(1) Court assessors shall be convoked to take part in court hearings by the chairperson of the court for up to 60 days in a calendar year, unless the examination of a case in which they take part continues beyond such term.

(2) For each court panel core and reserve court assessors shall be designated by a draw of lots.

Article 73

Court assessors shall receive remuneration for their participation in court hearings from the budget of the Judiciary.

Article 74

(1) The chairperson of the court may, by personal order, impose a fine of BGN 50 to BGN 500, on a court assessor for the latter's failure to discharge his duties, having provided him the opportunity to explain.

(2) Following appeal of the sanctioned court assessor, the chairperson of the higher-standing court may repeal the personal order under Paragraph 1 or reduce the amount of fine.

Article 75

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

1. The procedure for nominating court assessors,
2. The remuneration of court assessors,
3. Other organisational matters of relevance to court assessors.

Section III

Regional courts

Article 76

The regional court shall be the main court of first instance. It shall be a competent jurisdiction in all cases, except those in which another court has jurisdiction by virtue of the law.

Article 77

(1) A regional court shall be composed of judges and headed by a chairperson.

(2) Divisions may be set up at the regional court.

(3) A criminal record bureau shall be set up at all regional courts.

(4) The functions, the business arrangements of criminal record bureaux and the control of their business shall be set out in an ordinance of the Minister of Justice.

Article 78

A regional court shall examine cases in a panel composed of one judge, unless otherwise provided for by law.

Article 79

(1) In a regional court with at least three judges the general assembly shall consist of all judges. Where the number of judges is lesser than three, they shall take part in the general assembly of another regional court in the same judicial area designated by the chairperson of the district court.

(2) The general assembly of the regional court shall:

1. Analyse and summarise the jurisprudence of the court,
2. Examine other matters at the proposal of the chairperson of the court or of a member of

the general assembly.

(3) The general assembly may not examine and adopt resolutions on organisational matters of court business falling in the competence of the chairperson of the regional court.

(4) A general assembly shall take place where more than half of all judges are present and it shall adopt resolutions by a majority of more than half of the judges present.

Article 80

(1) The chairperson of a regional court shall:

1. Provide overall organisational and administrative direction, being responsible for the business of the court which he represents;

2. Prepare:

a) The annual court business report no later than 31 January and submit it to the chairperson of the District court who shall incorporate it in his annual report,

b) Electronic enquiries and statistics based on a model endorsed by the Minister of Justice and submit these to the Supreme Judicial Council, as well as to the Minister of Justice;

3. At the end of each semester he shall prepare and submit to the Inspectorate at the Supreme Judicial Council summarised information about the institution, progress and termination of files and cases of the judges, as well as about acts that have been definitely repealed by higher-standing instances, and, in addition, to the Minister of Justice - information about the institution, progress and termination of files and cases of state enforcement agents and recordation judges;

4. Take part in court hearings;

5. Inform the Minister of Justice of available positions for state enforcement agents and recordation judges;

6. Manage and control the work of state enforcement agents, of criminal record bureaux at the court and of recordation judges;

7. Second judges subject to the terms of Article 81;

8. Appoint and relieve from office clerks at the court and organise the work of the various services;

9. Convoke and head the general assembly of the court;

10. Organise the publication of effective acts on the website of the regional court;

11. Publish the annual court business report on the website of the regional court within one month of its submission to the chairperson of the district court.

(2) Personal orders of the chairperson in relation to the work organisation of the court shall be binding on all judges and clerks thereat.

Article 81

(1) Where the position of judge at a regional court is not taken or a judge is prevented from discharging his office and may not be replaced by another judge of the same court, the

chairperson of the respective district court may second in his stead a judge from another regional court, a judge from the district court or a junior judge with a service record of no less than two years, for a term of up to 6 months once in three years.

(2) Where such secondment is impracticable, the chairperson of the appellate court may second a judge from the area of another district court subject to the conditions under Paragraph 1.

(3) The secondment of the judge shall be coordinated with his administrative head.
Section IV

District court
Article 82

(1) The district court shall examine at first instance:

1. Criminal cases in a panel composed of one judge and two court assessors, unless otherwise provided for by law,

2. Civil cases in a panel composed of one judge.

(2) A junior judge may sit on the panel of a first-instance court in a criminal case, but may not be a single judge or the rapporteur therein.

Article 83

(1) The district court acting at second instance shall examine cases in a panel of three judges, unless otherwise provided for by law.

(2) In cases under Paragraph 1 only one of the district court panel members may be a junior judge.

(3) The panel shall be presided over by the most senior judge in position or rank.
Article 84

(1) The district court shall consist of judges and junior judges and shall be headed by a chairperson.

(2) Based on a resolution of the general assembly of district court judges, divisions may be set up and headed by the chairperson or his deputies.

Article 85

(1) The district court shall have a general assembly that shall consist of all judges.

(2) Junior judges and the chairpersons of regional courts shall take part in the general assembly, but not in voting.

(3) The general assembly of a district court shall:

1. Discuss, at the end of each three-year period, the distribution of judges by divisions and make a proposal to this effect to the chairperson of the court,

2. Analyse and summarise the jurisprudence of the district court and of the regional courts within its judicial area,

3. Examine on a regular basis the situation of the criminal and other types of offences and

summarise the experience of the district court and of the regional courts within its judicial area,

4. Give opinions on requests for the adoption of interpretative judgements or interpretative decrees,

5. Adopt resolutions in other cases provided for by law.

(4) The general assembly may not examine and adopt resolutions on matters of relevance to court business organisation falling within the competence of the chairperson of a district court.

(5) A general assembly shall take place where more than half of all judges are present thereat and it shall adopt resolutions by a majority of more than half of the judges present.

Article 86

(1) The chairperson of the district court shall:

1. Provide overall organisational and administrative direction of the district court and represent it;

2. At the end of each six-month period he shall prepare and submit to the Inspectorate at the Supreme Judicial Council and to the Minister of Justice summarised information about the institution, progress and termination of cases, as well as about the acts that have been definitely repealed by higher-standing instances;

3. Prepare:

a) An annual report on the business of the district court and of the regional courts in its judicial area and submit it to the chairperson of the appellate court at the respective judicial area by the end of February who shall incorporate it in his annual report,

b) Electronic enquiries and statistics in based on a model endorsed by the Minister of Justice and submit these to the Supreme Judicial Council, as well as to the Minister of Justice;

4. At the end of each three-year period, distribute judges at the district court by divisions;

5. Chair judicial panels in all divisions;

6. Carry out in person or assign a judge of the district court the carrying out of inspection into the organisation of the business of judges at the regional court, as well as of state enforcement agents and recordation judges;

7. Organise the improvement of qualifications of district court judges;

8. Convene the judges of the district court and of the regional courts for a discussion of the reports under item 3, littera a), of the reports from inspections and of the requests for adoption of interpretative judgements or interpretative decrees;

9. Second judges, state enforcement agents and recordation judges in the area of the district court subject to the conditions of Articles 81, 274 and 290;

10. Organise the training of trainee lawyers and be responsible for it;

11. Appoint and relieve from office the clerks of court and organise the work of the various services;

12. Convoke and head the general assembly;

13. Organise the publication of effective acts on the website of the district court;

14. Publish the annual court business report on the website of the district court within a period of up to one month following its submission to the chairperson of the appellate court.

(2) Personal orders of the chairperson in relation to the work organisation of the court shall be binding on all judges and clerks thereat.

Article 87

(1) Where the position of a judge at the district court is not taken or a judge is prevented from discharging his office and may not be replaced by another judge of the same court, the chairperson of the respective appellate court may second in his stead a judge from another district court or a judge from a regional district court with the rank of a district court judge from the judicial area of the same appellate court for a term of up to 6 months once in three years.

(2) The secondment of the judge shall be coordinated with his administrative head.

Article 88

There shall be a city court in Sofia having the powers of a district court.

Section V

Administrative court

Article 89

(1) The administrative court shall have jurisdiction at first instance in all administrative cases except those in which the Supreme Administrative Court shall have jurisdiction by law.

(2) The seats and judicial areas of the administrative courts shall coincide with those of the district courts.

Article 90

(1) The administrative court shall hear administrative cases in a panel composed of one judge, unless otherwise provided for by law.

(2) In proceedings before the administrative court a prosecutor with the administrative department of the respective district prosecution office shall take part, in cases provided for by law.

Article 91

(1) The administrative court shall consist of judges and shall be headed by a chairperson.

(2) Based on a resolution of the general assembly of judges at the administrative court, divisions specialised by subject may be set up and headed by the chairperson or his deputies.

Article 92

(1) The administrative court shall have a general assembly that shall consist of all judges.

(2) The general assembly shall:

1. Endorse on an annual basis the composition of divisions,

2. Discuss, at the end of each three-year period, the distribution of judges by divisions, if

any have been set up, and make a proposal to this effect to the chairperson of the administrative court,

3. Analyse and summarise the jurisprudence of the administrative court,

4. Give opinions to the Supreme Administrative Court on requests for the adoption of interpretative judgements and interpretative decrees,

5. Adopt resolutions in other cases provided for by law.

(3) The general assembly may not examine and adopt resolutions on matters concerning court business organisation, falling in the competence of the chairperson of the administrative court.

(4) The general assembly shall take place where more than half of all judges are present and it shall adopt resolutions by a majority of more than half of the judges present.

Article 93

(1) The chairperson of the administrative court shall:

1. Provide for the overall organisational and administrative direction of the administrative court and represent it;

2. Prepare:

a) An annual report on the business of the administrative court which he shall submit by the end of February to the chairperson of the Supreme Administrative Court who shall incorporate it in his annual report,

b) Electronic enquiries and statistics based on a model endorsed by the Minister of Justice and submit these to the Supreme Judicial Council, as well as to the Minister of Justice;

3. At the end of each six-month period he shall prepare and submit to the Inspectorate at the Supreme Judicial Council and to the Minister of Justice summarised information about the institution, progress and termination of cases, as well as about the acts that have been definitely repealed by higher-standing instances;

4. Distribute the judges of the administrative court by divisions, if any have been set up;

5. Chair judicial panels in all divisions;

6. Convene the judges of the administrative court for a discussion of the report under item 2, littera a) and of the requests for adoption of interpretative judgements or interpretative decrees;

7. Appoint and relieve from office clerks at the court and organise the work of the various services;

8. Convoke and head the general assembly of the judges at the court;

9. Organise the publication of effective acts on the website of the administrative court;

10. Publish the annual court business report on the website of the administrative court within a period of up to one month of its submission to the chairperson of the Supreme Administrative Court.

(2) Personal orders of the chairperson concerning the work organisation of the court shall be binding on all judges and clerks thereat.

Article 94.

(1) Where the position of a judge at an administrative court is not taken or a judge is prevented from discharging his office and may not be replaced by another judge of the same court, the chairperson of the Supreme Administrative Court may second in his stead a judge from another administrative court for a term of up to 6 months once in three years.

(2) Secondment of the judge shall be coordinated with his administrative head.
Section VI

Military court

Article 95

(1) The competence of the military court shall be stipulated by law.

(2) The military court shall be equal in standing to a district court.

Article 96

The military court shall consist of judges and shall be headed by a chairperson.

Article 97

(1) The military court shall examine cases in a panel composed of one judge and of court assessors, unless otherwise provided for by law.

(2) The judicial panel shall be chaired by the most senior judge.

Article 98

(1) The military court shall have a general assembly which shall consist of all judges.

(2) The general assembly of the military court shall discharge the respective powers of a general assembly of a district court.

(3) The general assembly may not examine and adopt resolutions on matters of relevance to court business organisation, falling in the competence of the chairperson of a military court.

(4) A general assembly of the military court shall take place where more than half of all judges are present and it shall adopt resolutions with a majority of more than half of the judges present.

Article 99

The chairperson of the military court shall have the respective powers of a chairperson of a district court.

Article 100

(1) Where a military judge is prevented from discharging his office and may not be replaced by another judge of the same court, the chairperson of the appellate military court may second in his stead a judge from another military court for a period of up to 6 months once in three years.

(2) Secondment of the judge shall be coordinated with his administrative head.
Section VII

Appellate court

Article 101

(1) The appellate court shall examine cases instituted following appeals and protests against the first-instance acts of district courts in its judicial area.

(2) The appellate military court shall be one and it shall examine cases instituted following appeals and protests against acts of the military courts from the whole country.

Article 102

(1) The appellate court shall consist of judges and be headed by a chairperson.

(2) The appellate military court shall consist of judges and be headed by a chairperson.

Article 103

Based on a resolution of the general assembly of the judges at the appellate court, divisions may be set up and headed by the chairperson or his deputies.

Article 104

(1) The appellate court shall have a general assembly that shall consist of all judges. The chairpersons of the district courts may take part in it, but not in voting.

(2) The general assembly of the appellate court shall discharge the respective powers of the general assembly of a district court.

(3) The general assembly may not examine and adopt resolutions on matters of relevance to court business organisation, falling in the competence of the chairperson of an appellate court.

(4) The general assembly shall take place where more than half of all judges are present and it shall adopt resolutions by a majority of more than half of the judges present.

Article 105

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

Article 106

(1) The chairperson of the appellate court shall:

1. Provide for the overall organisational and administrative direction of the appellate court and represent it;

2. At the end of each six-month period he shall prepare and provide to the Inspectorate at the Supreme Judicial Council and to the Minister of Justice summarised information about the institution, progress and termination of cases, as well as about the acts that have been definitely repealed by higher-standing instances;

3. Prepare:

a) An annual report on the business of the appellate court, of the district and of the regional courts in its judicial area and submit it by the 31 March to the chairperson of the Supreme Court of Cassation who shall incorporate it in his annual report,

b) Electronic inquiries and statistics based on a model endorsed by the Minister of Justice and submit these to the Supreme Judicial Council, as well as to the Minister of Justice;

4. At the end of each three-year period he shall distribute the judges of the appellate court by divisions;

5. He may chair judicial panels in all divisions;

6. He shall carry out in person or assign to a judge of the appellate court the carrying out of inspections into the organisation of business of the district court judges from his judicial area;

7. Analyse and summarise the jurisprudence of the appellate court and of the district courts from the judicial area concerned;

8. Organise the improvement of qualifications of the judges at the appellate court;

9. Convene the judges of the appellate court and of the district courts for a discussion of the report under item 3, littera a), of the reports from inspections and of the requests for adoption of interpretative judgements and interpretative decrees;

10. Second judges subject to the conditions of Article 107;

11. Appoint and relieve from office the clerks of the court and organise the work of the various services;

12. Convoke and head the general assembly;

13. Organise the publication of effective acts on the website of the appellate court;

14. Publish the annual court business report on the website of the appellate court within a period of up to one month following its submission to the chairperson of the Supreme Court of Cassation.

(2) The personal orders of the chairperson of an appellate court concerning the work organisation of the court shall be binding on all judges and clerks thereat.

(3) The chairperson of the Appellate Military Court shall have corresponding powers with reference to the military courts.

Article 107

(1) Where the position of a judge at an appellate court is not taken or a judge is prevented from discharging his office and may not be replaced by another judge of the same court, the chairperson of an appellate court may second in his stead a judge of a district court with the respective rank for a period of up to 6 months once in three years. The secondment of the judge shall be coordinated with his administrative head.

(2) The chairperson of the Appellate Military Court shall second judges of the military courts subject to the conditions of Paragraph 1.

Section VIII

Supreme Court of Cassation

Article 108

(1) The Supreme Court of Cassation shall be the supreme judicial instance in criminal and civil cases. Its jurisdiction shall cover the entire territory of the Republic of Bulgaria.

(2) The Supreme Court of Cassation shall be seated in Sofia.

Article 109

(1) The Supreme Court of Cassation shall consist of judges and be headed by a chairperson.

(2) There shall be a criminal, civil and a commercial college at the Supreme Court of Cassation.

(3) A college shall be headed by the chairperson or a deputy thereof who may chair judicial panels in the respective college.

(4) There shall be divisions within the colleges.

Article 110

The Supreme Court of Cassation shall sit:

1. In panels of three judges, unless otherwise provided for by law,

2. As a general assembly of the criminal, of the civil or of the commercial college when examining a request for the adoption of an interpretative judgement on criminal, civil or commercial administration of justice,

3. As a general assembly of the civil and the commercial colleges when examining a request for the adoption of an interpretative judgement on common matters of the civil and commercial administration of justice.

Article 111

(1) The plenum of the Supreme Court of Cassation shall consist of all judges.

(2) The plenum shall:

1. Determine the composition of colleges and the number and composition of divisions,

2. Discuss on an annual basis the report of the chairperson of the Supreme Court of Cassation.

(3) The plenum may not examine and adopt resolutions on matters of relevance to court business organisation, falling in the competence of the Supreme Court of Cassation chairperson.

(4) The plenum of the Supreme Court of Cassation shall take place where more than half of all judges are present and it shall adopt resolutions by a majority of more than half of the judges present.

Article 112

(1) The general assembly of the criminal, of the civil or of the commercial college shall consist of all judges therein.

(2) The general assembly of the civil and of the commercial colleges shall consist of the judges in these two colleges.

(3) The general assembly of each college shall take place where more than half of the judges in it are present and it shall adopt resolutions by a majority of more than half of the judges present.

(4) The general assembly of the college which has to adopt an interpretative judgement shall take place where more than two-thirds of the judges in it are present, and in cases under Article 110, item 3 - if more than two-thirds of the judges in the civil and the commercial colleges are present and it shall pass judgements by a majority of more than half of all judges from the college(s).

Article 113

(1) The following shall be entitled to take part in plenum sessions:

1. The Prosecutor General or a deputy thereof at the Supreme Prosecution Office of Cassation,

2. The chairpersons of the appellate courts and other judges,

3. The chairperson or members of the Supreme Bar Council,

4. The Minister of Justice.

(2) The chairperson of the Supreme Court of Cassation shall notify the persons under Paragraph 1 of the date and time for the session.

(3) Persons under Paragraph 1 may give their opinion, but not take part in voting.

Article 114

(1) The chairperson of the Supreme Court of Cassation shall:

1. Provide organisational direction in the business of the Supreme Court of Cassation and represent it,

2. Convene and head the sessions of the general assemblies of colleges and of the plenum of the Supreme Court of Cassation or assign this task to his deputies,

3. Make requests for the adoption of interpretative judgements and of interpretative decrees,

4. Acting together with his deputies, propose to the plenum the distribution of judges by colleges and divisions,

5. May chair judicial panels from all divisions,

6. Carry out in person or assign inspections into the organisation of business of the judges of the appellate courts to a judge at the Supreme Court of Cassation,

7. At the end of each six-month period, prepare and submit to the Inspectorate at the Supreme Judicial Council and to the Minister of Justice summarised information about the institution, progress and termination of cases,

8. Convene the judges at the Supreme Court of Cassation and of the appellate courts to discuss reports of inspections,

9. Second judges subject to the terms of Article 115,

10. Appoint and relieve from office the clerks at the court,

11. Prepare an annual business report of the Supreme Court of Cassation and publish it

on its website within one month of its completion,

12. Organise the publication of effective acts delivered by the Supreme Court of Cassation on the website thereof,

13. Make arrangements for the publication of a monthly bulletin of the Supreme Court of Cassation.

(2) The chairperson of the Supreme Court of Cassation shall prepare a summarised annual report on the application of the Act and on the business of the courts, with the exception of the administrative ones, which he shall submit to the Supreme Judicial Council no later than 30 April.

(3) The personal orders of the chairperson concerning work organisation at the court shall be binding on all judges and clerks thereat.

Article 115

(1) Where the position of a judge at the Supreme Court of Cassation is unoccupied or a judge is prevented from discharging his office and may not be replaced by another judge of the same court, the chairperson of the Supreme Court of Cassation may second in his stead a judge from an appellate or district court with at least 12 years of legal service record, for a term of up to 6 months once in three years.

(2) Secondment of the judge shall be coordinated with his administrative head.

Section IX

Supreme Administrative Court

Article 116

(1) The Supreme Administrative Court shall have jurisdiction on the entire territory of the Republic of Bulgaria.

(2) The Supreme Administrative Court shall be seated in Sofia.

Article 117

(1) The Supreme Administrative Court shall consist of judges and be headed by a chairperson.

(2) There shall be colleges at the Supreme Administrative Court headed by the chairperson or a deputy thereof who may chair judicial panels in the respective college.

Article 118

The Supreme Administrative Court shall sit:

1. In a panel of three judges, unless otherwise provided for by law,

2. As the general assembly of a college, when examining a request for the adoption of an interpretative judgement in administrative justice,

3. General assemblies of the colleges, when examining a request for the adoption of an interpretative judgement on general matters in administrative justice.

Article 119

(1) The plenum of the Supreme Administrative Court shall consist of all judges.

(2) The plenum shall:

1. Set the number and composition of the colleges and divisions of the Supreme Administrative Court,

2. Discuss on an annual basis the business report of the chairperson of the Supreme Administrative Court.

(3) The plenum may not examine and adopt resolutions on matters concerning court business organisation, falling in the competence of the chairperson of the Supreme Administrative Court.

(4) The plenum of the Supreme Administrative Court shall take place where more than half of the judges are present and it shall adopt resolutions by a majority of more than half of the judges present.

Article 120

(1) The general assembly of a college shall consist of the judges in it.

(2) A general assembly of the college shall take place where more than half of the judges in the college are present and it shall adopt resolutions by a majority of more than half of the judges present.

(3) A general assembly for the adoption of an interpretative judgements shall take place where more than two-thirds of the judges are present, and in cases under Article 118, item 3 where more than two-thirds of the judges in the colleges are present, adopting judgements by a majority of more than half of all judges in the college(s).

Article 121

(1) The following shall take part in plenum sessions:

1. The Prosecutor General or a deputy thereof at the Supreme Administrative Prosecution Office,

2. Chairpersons of the administrative courts and other judges,

3. The chairperson or a member of the Supreme Bar Council,

4. The Minister of Justice.

(2) The chairperson of the Supreme Administrative Court shall notify the persons under Paragraph 1 of the date and time of the session.

(3) The persons under Paragraph 1 may give opinions, but not take part in voting.

Article 122

(1) The chairperson of the Supreme Administrative Court shall:

1. Provide organisational direction in the business of the Supreme Administrative Court and represent it,

2. Convene and head the sessions of the plenum and of the general assembly of the colleges of the Supreme Administrative Court,

3. Carry out in person or assign the carrying out of inspections into the organisation of

business of the judges of the administrative court to a judge of the Supreme Administrative Court,

4. Convene the judges of the Supreme Administrative Court and of the administrative courts for a discussion of the reports of inspections,

5. May chair judicial panels in all divisions,

6. Make requests for the adoption of interpretative judgements and of interpretative decrees,

7. Acting together with his deputies, propose to the plenum of the Supreme Administrative Court the distribution of judges by colleges and divisions,

8. Second judges subject to the terms of Article 123,

9. Appoint and relieve from office the clerks of the court,

10. Prepare an annual business report for the Supreme Administrative Court and publish it on the website thereof within a month of its completion,

11. At the end of each six-month period, prepare and submit to the Inspectorate at the SJC and to the Minister of Justice summarised information about the institution, progress and termination of cases,

12. Make arrangements for the publication of effective acts on the website of the court,

13. Make arrangements for the publication of a monthly bulletin of the Supreme Administrative Court.

(2) The chairperson of the Supreme Administrative Court shall prepare a summary annual report on the application of this Act and the business of the administrative courts which he shall submit to the Supreme Judicial Council no later than 30 April.

(3) Personal orders of the chairperson concerning work organisation at the court shall be binding on all judges and clerks thereat.

Article 123

(1) Where the position of a judge at the Supreme Administrative Court is unoccupied or a judge is prevented from discharging his office and may not be replaced by another judge of the same court, the chairperson of the Supreme Administrative Court may second in his stead a judge from an administrative court who has at least 12 years of legal service record, for a period of up to 6 months once in three years.

(2) Secondment of the judge shall be coordinated with his administrative head.
Section X

Interpretative judgements and interpretative decrees

Article 124

(1) In presence of contradictory or erroneous jurisprudence on the interpretation or application of the law, an interpretative judgement shall be adopted by the general assembly of:

1. The criminal, the civil or the commercial college of the Supreme Court of Cassation,

2. The civil or the commercial colleges of the Supreme Court of Cassation,
3. A college of the Supreme Administrative Court,
4. The colleges of the Supreme Administrative Court.

(2) In presence of contradictory or erroneous jurisprudence between the Supreme Court of Cassation and the Supreme Administrative Court, the general assembly of the judges of the respective colleges of the two courts shall adopt a joint interpretative decree.

Article 125

The chairperson of the Supreme Court of Cassation, the chairperson of the Supreme Administrative Court, the Prosecutor General, the Minister of Justice, the Ombudsman or the chairperson of the Supreme Bar Council may request the adoption of an interpretative judgement or of an interpretative decree.

Article 126

A request under Article 125 shall be filed:

1. As regards an interpretative judgement under Article 124, Paragraph 1, with the general assembly of the respective college(s),

2. As regards an interpretative decree under Article 124, Paragraph 2, with the general assemblies of the judges of the respective colleges of the Supreme Court of Cassation and of the Supreme Administrative Court.

Article 127

(1) A request shall be made in writing and be reasoned.

(2) The request shall set out:

1. The provision of the legal instrument and an outline of the disputed issues in its application,

2. The effective judicial acts embodying the contradictory or erroneous jurisprudence,

3. The specific object of the request.

Article 128

(1) The chairperson of the court with whom a request has been filed shall institute proceedings by virtue of a personal order and shall entrust them with several judge rapporteurs.

(2) By virtue of a joint personal order, the Chairperson of the Supreme Court of Cassation and the Chairperson of the Supreme Administrative Court shall institute and schedule proceedings for the adoption of an interpretative decree by the general assembly of the respective colleges of the two courts.

(3) Proceedings under Paragraphs 1 or 2 shall be scheduled within two months of the submission of a request.

Article 129

(1) The following may take part in sessions of the general assembly for the adoption of an interpretative judgement or of an interpretative decree:

1. The Prosecutor General or a deputy thereof designated by him,

2. The Minister of Justice or a deputy minister designated by him,

3. The chairperson of the Supreme Bar Council or a member thereof designated by him,

(2) The chairperson of the court with which the request has been filed may invite other lawyers, as well as the ombudsman, to participate.

(3) The persons under Paragraphs 1 and 2 shall be notified of the date for the session and shall be provided a copy of the request with the annexes thereto.

(4) Persons under Paragraphs 1 and 2 may give opinions, but not take part in voting.

(5) A record shall be kept for the session of the general assembly, which shall be signed by the presiding judge and the secretary in charge thereof.

Article 130

(1) Interpretative judgements and interpretative decrees shall be adopted and delivered within three months of receipt of a request.

(2) Interpretative judgements and interpretative decrees shall be binding on judicial and executive bodies, on local government bodies, as well as on all bodies issuing administrative acts.

Article 131

Interpretative judgements shall be published on an annual basis in a bulletin of the Supreme Court of Cassation or of the Supreme Administrative Court and interpretative decrees - in both bulletins.

Chapter five

Court hearings

Article 132

(1) Courts shall examine cases in public hearings.

(2) The publicity of trial may only be limited by law. By all means, a sentence shall be publicly delivered.

(3) Judges shall be held to deliver their acts in accordance with the procedure and within the term specified by law.

Article 133

(1) Hearings shall take place in the court building at the seat of the court.

(2) Under exceptional circumstances, subject to consent of the chairperson of the court to this effect, a court panel may decide to conduct a hearing in another building.

Article 134

(1) Judges and prosecutors shall attend hearing in robes.

(2) Military judges, military prosecutors and military investigating magistrates shall work in military uniform.

(3) Court assessors shall attend hearing in clothing as stipulated in the Ordinance under Article 75.

Article 135

(1) The judge presiding over a panel shall be the most senior of its members.

(2) The presiding member of the panel shall conduct the court hearing, ensuring that the courtroom is called to order, and he may sanction offenders in accordance with the procedure provided for by procedural law.

(3) Personal orders of the presiding member of a panel shall be binding on all attendants inside the courtroom. Such orders may be repealed by the court panel.

Chapter six

Prosecution Office

Article 136

(1) The Prosecution Office of the Republic of Bulgaria shall consist of a Prosecutor General, a Supreme Prosecution Office of Cassation, a Supreme Administrative Prosecution Office, appellate prosecution offices, appellate military prosecution offices, district prosecution offices, district military prosecution offices and of regional prosecution offices.

(2) Administrative departments shall be set up at district prosecution offices, prosecutors therein taking part in administrative cases.

(3) The Prosecution Office shall be indivisible and centralised. Each prosecutor shall be subordinated to the respective prosecutor at a higher position and all - to the Prosecutor General.

(4) In the discharge of their office military prosecutors and investigating magistrates shall be independent from the military bodies.

Article 137

The Prosecution Office shall be a moral person funded by the state budget.

Article 138

The Prosecutor General shall:

1. Head the Prosecution Office,

2. Organise and distribute work to his deputies,

3. Appoint and relieve from office clerks at the Supreme Prosecution Office of Cassation, the Supreme Administrative Prosecution Office and in the administration of the Prosecutor General,

4. Issue instructions and deliver guidelines with regard to the business of the Prosecution Office.

Article 139

(1) The Prosecutor General shall be assisted by deputies at the Supreme Prosecution Office of Cassation and the Supreme Administrative Prosecution Office and may entrust them with certain powers given to him, unless otherwise provided for by law.

(2) The Prosecutor General and his deputies may repeal or modify the acts issued by their subordinate prosecutors, unless these have made the object of judicial review.

Article 140

The administrative heads of the regional, district, district military, appellate and appellate military prosecution offices shall organise and direct the business thereof and they shall appoint and relieve from office the clerks thereat.

Article 141

(1) Every year by 30 April the Prosecutor General shall submit to the Supreme Judicial Council a report on the application of this Act and on the business of the Prosecution Office and of investigating bodies.

(2) Every quarter the regional, district and military district prosecutors shall provide the Prosecutor General with information about investigations.

(3) The procedure for the provision of information about investigations carried out by police investigators shall be stipulated in a joint instruction of the Prosecutor General and of the Minister of Interior.

Article 142

(1) The Prosecutor General in person or acting through prosecutors thereby designated shall carry out audits and control the work of all prosecutors.

(2) Prosecutors of appellate and of district prosecution offices shall carry out audits and shall control the work of prosecutors in prosecution offices of a degree immediately lower than that of their own.

(3) Every 6 months regional, district and appellate prosecutors, the Supreme Prosecution Office of Cassation, the Supreme Administrative Prosecution Office and the Prosecutor General shall prepare and provide the Inspectorate at the Supreme Judicial Council and the Minister of Justice with summary information about the institution and progress of files.

Article 143

(1) All acts and any action taken by a prosecutor may be appealed before the immediate higher-standing prosecution office, unless they are subject to judicial review.

(2) A prosecutor at a higher position and a prosecutor of a higher-standing prosecution office may take the actions falling in the competence of subordinate prosecutors and suspend or repeal in writing their personal orders under the circumstances provided for by law.

(3) Written personal orders given by a prosecutor at a higher position shall be binding on prosecutors subordinate to him.

Article 144

(1) A prosecutor shall direct the investigation in his capacity of supervising prosecutor.

(2) Where a supervising prosecutor may not take part in the examination of a case during trial on account of valid reasons, the higher-standing prosecutor shall designate another prosecutor to replace him.

(3) The regional or district prosecutor concerned shall provide an annual written opinion on the work of a police investigator, sending a copy thereof to the chief police investigator.

Article 145

(1) In discharging his functions stipulated by the law, a prosecutor may:

1. Obtain documents, information, explanations, expert opinions and other material,

2. Carry out inspections in person,

3. In presence of data conducive to the existence of criminal offences or of illegal acts and actions, entrust the bodies concerned with the carrying out of inspections and audits within a term imparted by him, be provided with their conclusions and, upon request, with all supporting material,

4. Summons citizens or authorised representatives of moral persons, being able to order them brought by coercion upon their failure to appear in the absence of valid reasons,

5. Forward material to a competent body, if he has found that grounds are present to enforce liability or to apply coercive administrative measures, which he may not take in person,

6. Apply the measures envisaged by law in the presence of data conducive to the existence of an impending publicly actionable criminal or another legal offence.

(2) Personal orders of a prosecutor issued in compliance with his competence and with the law shall be binding on state bodies, officials, moral persons and the citizens.

(3) State bodies, the moral persons and the officials shall be obligated to provide assistance to prosecutors in the discharge of their powers and allow them access of the premises and places concerned.

(4) As part of their competence and in accordance with the law, prosecutors may deliver binding written personal orders onto police bodies.

(5) A prosecutor shall protest and request that illegal acts are repealed or modified within the term and in accordance with the procedure under the law. He may suspend the execution of an act until his protest is examined by the body concerned.

Article 146

(1) In the exercise of supervision to the purpose of ensuring legality in the enforcement of sentences, of other coercive measures and inside detention centres, a prosecutor may:

1. Visit, without prior authorisation from the administration, detention centres, prisons and institutions in which other coercive measures are served, as well as to check the documents on the basis of which individuals are detained,

2. Converse alone with detainees and the individuals placed in such institutions,

3. Examine proposals, tip-offs, complaints and requests in relation to the service of sentences and of other coercive measures provided for by law,

4. Order in writing the bodies in charge of enforcing sentences and the administration of institutions for the service of other coercive measures to notify him of certain actions, acts and events.

(2) In order to remove and prevent any violations under Paragraph 1, a prosecutor shall:

1. Immediately release anyone illegally detained in prison or in an institution for the service of other coercive measures,

2. Deliver binding written personal orders for the removal of violations,

3. Suspend the execution of illegal written orders and personal orders of officials and request that these are repealed in accordance with the relevant procedure.

Article 147

In presence of a service need, appellate and district prosecutors, in respect to their areas, and the Prosecutor General, in respect to the whole country, may second prosecutors subject to the terms set hereunder with reference to the secondment of judges.

Chapter seven

Investigation services

Article 148

(1) The investigation services shall be the National Investigation Service and the district investigation services.

(2) An investigation service with the powers of a district investigation service shall be set up in Sofia.

Article 149

(1) The National Investigation Service shall be a moral person seated in Sofia and funded by the state budget.

(2) The National Investigation Service shall consist of investigating magistrates.

(3) Specialised departments for the investigation of cases with particular factual and legal complexity, of cases for criminal offences committed abroad, of legal cooperation requests, as well as of other cases provided for by law shall be set up at the National Investigation Service.

Article 150

The National Investigation Service shall be headed by a director who shall:

1. Represent the National Investigation Service,
2. Provide organisational, administrative and methodological direction to investigating magistrates and to the clerks of the National Investigation Service and of the district investigation services,
3. Appoint and relieve from office the clerks of the National Investigation Service,
4. In presence of a service need, second investigating magistrates and clerks of the National Investigation Service and the district investigation services,
5. Coordinate the business of the investigation services during investigation and their interaction with other state bodies,
6. Obtain, analyse and summarise information from the investigation services and departments about the status and effectiveness of their business and take measures for its improvement and refinement,
7. By 31 March, prepare an annual report on the business of all investigation services and submit it to the Prosecutor General who shall incorporate it in his annual report,
8. Every 6 months, prepare and submit to the Inspectorate at the Supreme Judicial Council and to the Minister of Justice summarised information about the institution, progress and termination of cases.

Article 151

(1) District investigation services shall be moral persons funded by the state budget.

(2) District investigation services shall consist of investigating magistrates and junior investigating magistrates.

(3) In district investigation service investigation divisions, based on territoriality considerations and on the types of cases, as well as support units, may be set up.

Article 152

A district investigation service shall carry out investigation in all cases under the circumstances provided for by law, with the exception of those falling in the competence of the National Investigation Service.

Article 153

A district investigation service shall be headed by a director who shall:

1. Represent the investigation service and be responsible for its business,
2. Provide overall organisational, administrative and methodological direction at the investigation service concerned,
3. In case of service need, second investigating magistrates and clerks of the investigation service,
4. Appoint and relieve from office the clerks at the investigation service concerned,
5. Prepare a six-month and an annual report on the business of the investigation service concerned, which he shall submit to the director of the National Investigation Service,
6. At the end of any six-month period, prepare and submit to the Inspectorate at the Supreme Judicial Council and to the Minister of Justice summarised information about the institution, progress and termination of cases.

Article 154

Personal orders of the investigating magistrates concerning investigation shall be binding on all state bodies, moral persons and the citizens.

Chapter eight

Oath

Article 155

Every judge, upon entering office for the first time, shall take the following oath: "I swear by the name of the people that I shall accurately apply the Constitution and the laws of the Republic of Bulgaria, discharging the duties incumbent on me guided by my conscience and inner convictions, being impartial, objective and equitable, contributing to heightening the prestige of the profession, keeping the secret of deliberations, never forgetting that for all things I do I shall be answerable to the law. I have been sworn!"

Article 156

Every prosecutor and investigating magistrate shall take the following oath upon entering office for the first time: "I swear by the name of the people that I shall accurately apply the Constitution and the laws of the Republic of Bulgaria, discharging the duties incumbent on me guided by my conscience and inner convictions, being impartial, objective and equitable,

contributing to heightening the prestige of the profession, keeping the secret of my office, never forgetting that for all things I do I shall be answerable to the law. I have been sworn!"

Article 157

(1) The oath shall be taken before the judges, prosecutors or investigating magistrates of the judicial system body concerned.

(2) Once the oath has been taken, an oath form shall be signed.

Article 158

Every state enforcement agent and recordation judge shall sign an oath form upon entering office for the first time with the following text of the oath: "I swear by the name of the people that I shall accurately apply the Constitution and the laws of the Republic of Bulgaria, discharging the duties of my office honestly and in good faith, keeping the secret of cases entrusted to me, never forgetting that for all things I do I shall be answerable to the law. I have been sworn!"

Article 159

An individual refusing to take oath or sign an oath form may not enter office.

Chapter nine

Status of the judges, prosecutors and investigating magistrates

Section I

Appointment and relief from office

Article 160

A judge, prosecutor, investigating magistrate, administrative head and a deputy of an administrative head, with the exception of the chairperson of the Supreme Court of Cassation, of the chairperson of the Supreme Administrative Court and of the Prosecutor General, shall be appointed, promoted, demoted, transferred and relieved from office by resolution of the Supreme Judicial Council.

Article 161

(1) Based on a resolution of the Supreme Judicial Council for appointment, promotion, demotion and transfer of a judge, prosecutor and an investigating magistrate, the administrative head shall issue the act for recruitment to the position concerned, which shall set out:

1. The name of the judicial system body in which the position is occupied,
2. The legal basis for the occupation of said position,
3. The name of the position and the rank associated therewith,
4. The amounts of the basic and of the additional remuneration,
5. The date of entry in office.

(2) Entry in office shall take place within one month of the adoption of the resolution by the Supreme Judicial Council and it shall be certified in writing before the administrative head of the judicial system body concerned.

(3) A judge, prosecutor and an investigating magistrate shall commence discharging their official duties at the moment of entering office.

(4) Those who have been appointed as military judges, military prosecutors or military investigating magistrates shall be admitted to permanent military service and be given title as commissioned officers.

Article 162

An individual with only a Bulgarian citizenship may be appointed as a judge, prosecutor and investigating magistrate, provided he also meets the following conditions:

1. Has a higher education in the specialty area of law,
2. Has undergone the internship herein provided for and obtained legal competency,
3. Has got the required standard of ethics and professionalism complying with the rules of professional ethics for judges, prosecutors and investigating magistrates,
4. Has not been sentenced to imprisonment for a deliberate criminal offence, notwithstanding rehabilitation,
5. Does not suffer from a mental illness.

Article 163

There shall be the following positions for judges, prosecutors and investigating magistrates:

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

Article 164

(1) An individual with at least three years of service record shall be appointed as a judge at a regional court, a prosecutor at a regional prosecution office and an investigating magistrate at a district investigation service.

(2) An individual with at least 8 years of service record shall be appointed as a judge with a district court and a prosecutor with a district prosecution office.

(3) An individual with at least 8 years of service record shall be appointed as a judge with an administrative court.

(4) An individual with at least 10 years of service record shall be appointed as a judge at an appellate court and as a prosecutor at an appellate prosecution office.

(5) An individual with at least 12 years of service record shall be appointed as a judge at the Supreme Court of Cassation and at the Supreme Administrative Court, as a prosecutor at the Supreme Prosecution Office of Cassation and at the Supreme Administrative Prosecution

Office and as an investigating magistrate at the National Investigation Service.

(6) The service record at a position or in a job for which higher legal education is required, including service record of individuals with higher legal education at the position of police investigator in the system of the Ministry of Interior or of police investigator in the system of the Ministry of Defence shall count toward the service record under Paragraphs 1 - 5.

(7) Service record as a judge at an international court set up by virtue of an international treaty to which the Republic of Bulgaria is a party or set up within an international organisation of which the Republic of Bulgaria is a member, shall also count toward the service record under Paragraphs 1 - 5.

Article 165

(1) A judge, prosecutor or an investigating magistrate shall be relieved from office upon:

1. Turning 65 years of age,
2. Resignation,
3. Entry into force of a sentence to imprisonment for a deliberate criminal offence,
4. A lasting de facto inability to discharge duties for more than one year,
5. A disciplinary relief from office imposed as a disciplinary sanction,
6. A resolution of the Supreme Judicial Council refusing the status of tenure,
7. Incompatibility with positions and business under Article 195, Paragraph 1,
8. Return of the replaced,
9. Reinstatement in office following illegal relief therefrom.

(2) A junior judge, a junior prosecutor and a junior investigating magistrate shall also be relieved from office if at a second examination under Article 258, Paragraph 4 they are given a "failed" mark.

(3) A judge, prosecutor and an investigating magistrate who have acquired tenure shall only be relieved from office on the grounds of Article 129, Paragraph 3 of the Constitution of the Republic of Bulgaria, as well as under the circumstances of Paragraph 1, item 7.

(4) A judge, prosecutor and an investigating magistrate who have gone into retirement by virtue of Paragraph 1, item 1 shall not be entitled to occupying an office with judicial system bodies.

Article 166

(1) A judge, prosecutor or an investigating magistrate shall resign from office with at least a 6-month advance notice.

(2) Within the period of the advance notice a judge, prosecutor or investigating magistrate shall be obligated to draft all acts in the cases and files assigned to him, no new cases and files being assigned thereto.

Article 167

(1) The following shall be administrative heads of the judicial system bodies:

1. The Chairperson of the Supreme Court of Cassation, the Chairperson of the Supreme Administrative Court, the Prosecutor General and the Director of the National Investigation Service,

2. A chairperson of an appellate and of the Appellate Military Court, an appellate and an appellate military prosecutor,

3. A chairperson of a district, an administrative and a military court, a district and a district military prosecutor and a director of a district investigation service,

4. A chairperson of a regional court and a regional prosecutor.

(2) The term of office of an administrative head shall start running on the date of his entry in office.

Article 168

(1) In the discharge of his business an administrative head shall be assisted by a deputy.

(2) The deputy of an administrative head shall be appointed for a term of 5 years, being entitled to reappointment. The term of office shall start running on the date of entry in office.

(3) In all cases of absence the administrative head shall entrust by virtue of a written order his deputy with the discharge of his functions or part thereof. Where the administrative head has not designated a deputy, his functions shall be discharged by one of his deputies in the order of seniority.

Article 169

A judge, prosecutor or an investigating magistrate shall be appointed as an administrative head, with the exception of the Chairperson of the Supreme Court of Cassation, the Chairperson of the Supreme Administrative Court and the Prosecutor General.

Article 170

(1) An individual meeting the requirements under Article 164, Paragraph 4 shall be appointed as the administrative head of a regional, district or an administrative court, of a district prosecution office and of a district investigation service.

(2) An individual meeting the requirements of Article 164, Paragraph 5 shall be appointed as the administrative head of the Supreme Court of Cassation, the Supreme Administrative Court, the Supreme Prosecution Office of Cassation, the Supreme Administrative Prosecution Office, of an appellate court, an appellate prosecution office and of the National Investigation Service.

Article 171

(1) The Supreme Judicial Council shall adopt a resolution for appointment of an administrative head or a deputy thereof by a majority of more than half of its members.

(2) Where none of the nominated candidates has gathered the required majority, election shall be pursued in respect to those two of them who have gathered the largest number of votes.

Article 172

(1) The administrative positions shall be a chairperson of division or of a college at the court and head of department at a prosecution office and at the investigation services.

(2) Chairpersons of divisions shall administer the cases in said division and may preside over judicial panels therein.

(3) Chairpersons of divisions in court and heads of department in prosecution offices and in investigation services shall be appointed by the respective administrative head.

Article 173

(1) The procedure for election of candidates as Chairperson of the Supreme Court of Cassation, Chairperson of the Supreme Administrative Court and as Prosecutor General shall be opened by the Supreme Judicial Council no earlier than two months and no later than one month prior to the expiry of the term of office or within 7 days of occurrence of any circumstance under Article 175, Paragraph 1.

(2) Nominations can be made by no less than one-fifth of Supreme Judicial Council members, as well as by the Minister of Justice.

(3) Nominations shall be made at the two consecutive sessions following that in which a resolution to open the procedure is adopted.

(4) A proposal shall be made in writing and a service record abstract for the candidate shall be attached to it based on a model endorsed by the Supreme Judicial Council.

(5) Proposals shall be submitted for examination to the Supreme Judicial Council by the acting chairperson no later than 7 days prior to the session at which these must be examined. The Supreme Judicial Council shall hear candidates in the alphabetical order.

(6) The Supreme Judicial Council shall adopt a resolution for the election of a candidate by a majority of more than two-thirds of its members by secret ballot.

(7) Where in the first round of voting no candidate has gathered votes by more than two-thirds of Supreme Judicial Council members, the election shall be pursued in respect to the two candidates who have gathered the largest number of votes.

(8) In case a new proposal is made where the President of the Republic of Bulgaria has refused to appoint a candidate nominated by the Supreme Judicial Council, election shall take place in pursuance of Paragraphs 1 - 7.

Article 174

(1) The Director of the National Investigation Service shall be elected in pursuance of the procedure under Article 173, Paragraphs 2 - 5 and 7 by a majority of more than half of Supreme Judicial Council members.

(2) The term of office of the Director of the National Investigation Service shall start running on the day of his entry in office.

Article 175

(1) An administrative head or a deputy of an administrative head shall be early relieved from office on the grounds of Article 129, Paragraph 3 of the Constitution of the Republic of Bulgaria.

(2) An administrative head or a deputy of an administrative head shall also be early relieved from office in cases where he has been relieved from office as a judge, prosecutor or investigating magistrate on the grounds of Article 129, Paragraph 3, items 2 - 5 of the Constitution of the Republic of Bulgaria.

(3) A proposal for the early relief from office of an administrative head, as well as of his deputy, with the exception of the chairperson of the Supreme Court of Cassation, the chairperson of the Supreme Administrative Court and the Prosecutor General, shall be made in writing:

1. No earlier than two months and no later than one month prior to the expiry of the term of office or of his turning 65 years of age,

2. Within three days of gaining knowledge of the circumstances under Article 129, Paragraph 3, items 2 - 5 of the Constitution of the Republic of Bulgaria.

(4) In the event of early termination of the term of office of an administrative head, an individual shall be appointed in his stead whose term of office shall start running on the date of his entry in office. Until the entry in office of a new administrative head, his functions shall be discharged by a deputy designated by the Supreme Judicial Council.

(5) The grounds for the early relief from office of the Chairperson of the Supreme Court of Cassation, of the Chairperson of the Supreme Administrative Court and of the Prosecutor General shall be established by the Supreme Judicial Council by virtue of a resolution adopted in pursuance of the procedure under Article 173, relief from office being thereafter proposed to the President of the Republic of Bulgaria.

(6) The grounds for early relief from office of the Director of the National Investigation Service shall be established by the Supreme Judicial Council by virtue of a resolution adopted in pursuance of the procedure under Article 173, Paragraphs 2 - 5 and 7.

Section II

Competitions for the appointment, promotion in position and

transfer of a judge, prosecutor and an investigating magistrate

Article 176

(1) For recruitment to positions at judicial system bodies centralised competitions for the following positions shall be carried out:

1. Junior judges, junior prosecutors and junior investigating magistrates,

2. Initial appointment.

(2) The competition under Paragraph 1, item 1 shall take place at least once every year, no later than three months of its announcement.

(3) The competition under Paragraph 1, item 2 shall take place twice every year, no later than two months of its announcement.

Article 177

(1) The available positions for junior judges, junior prosecutors and junior investigating magistrates shall be planned by the Supreme Judicial Council at the proposal of the administrative heads of judicial system bodies for each upcoming calendar year.

(2) The positions planned for junior judges, junior prosecutors and junior investigating magistrates may not be transformed after the announcement of the competition.

(3) Vacated positions for junior judges, junior prosecutors and junior investigating magistrates may not be transformed into positions for judges, prosecutors and investigating

magistrates.

Article 178

(1) The Supreme Judicial Council shall designate, by a draw of lots, 20 percent of the number of available positions in court, the prosecution office and the investigation service for occupation through a competition for initial appointment.

(2) The percentages under Paragraph 1 shall be separately specified for each of the levels in court, the prosecution office and the investigation service.

Article 179

The positions for junior judges, junior prosecutors, junior investigating magistrates and the available positions for initial appointment shall be announced by the Supreme Judicial Council through a publication in the State Gazette, in a central daily and on the website of the Supreme Judicial Council.

Article 180

(1) The Supreme Judicial Council shall announce a separate competition for each judicial system body through publication of the resolution in the State Gazette, in a central daily and on the website of the Supreme Judicial Council.

(2) The announcement under Paragraph 1 shall set out:

1. The number and type of positions and the judicial system bodies to which these refer,
2. The required documents, the deadline and location for their submission,
3. The programme of the competition,
4. The date, time and venue for the competition.

Article 181

(1) An individual meeting the requirements of Article 162 may take part in the competition for junior judges, junior prosecutors and junior investigating magistrates.

(2) An individual may take part in a competition for initial appointment if he meets the requirements of Article 162 and has the service record under Article 164 required for the position for which the competition is announced.

(3) Documents for participation in the competition shall be filed with the administration of the Supreme Judicial Council.

Article 182

(1) The Commission on proposals and the performance appraisal of judges, prosecutors and investigating magistrates shall inspect the documents and admit to participation in the competition all candidates satisfying the conditions under Article 181, Paragraph 1 or Paragraph 2.

(2) The lists of individuals admitted and not admitted to participation in the competition shall be announced on the website of the Supreme Judicial Council at least 7 days prior to the date of the competition.

(3) The lists of individuals not admitted to participation shall also specify the grounds for non-admission.

Article 183

(1) The competition shall be carried out by a competition commission consisting of a chairperson, four regular and two reserve members. Depending on the number of candidates, the Supreme Judicial Council may set up more than one commission.

(2) At least one habilitated legal scientist shall be a regular commission member.

(3) Members of an initial appointment commission shall have a rank equal to or higher than that of the announced available position.

(4) The names of each commission members shall be designated in a resolution of the Supreme Judicial Council.

Article 184

(1) The competition shall insist in a written and verbal examination, marks being given on a scale of six.

(2) The written examination shall be anonymous and shall consist in a case study pertaining to the respective branch of law.

(3) The results of the written examination shall be posted at a public location inside the building of the Supreme Judicial Council and on its website three days after the commission who had carried out the examination has signed the record of proceedings therefor.

(4) A candidate who has passed the written examination with a mark not lower than very good 4.5 shall be admitted to verbal examination.

(5) The verbal examination shall take place no earlier than 7 days of the announcement under Paragraph 3.

Article 185

(1) The competition commission shall deliver the results of the oral examination within 7 days thereof at a public location inside the building of the Supreme Judicial Council and on its website.

(2) Within 7 days of the results under Paragraph 1 being delivered, a candidate who has successfully passed the competition shall file a statement, confirming his participation in the ranking for a particular position and for the judicial system body for which he had applied.

(3) A candidate who has failed to file a statement under Paragraph 2 shall not take part in ranking.

Article 186

(1) The competition commission shall rank the candidates for each position by ordering them in accordance with their score, which shall be formed as a sum of the marks at the written, the verbal examination and the grade point average of their state examinations.

(2) The chairperson of the competition commission shall file a proposal with the Supreme Judicial Council for the appointment of the candidates under Paragraph 1.

(3) The Supreme Judicial Council shall adopt a resolution for the appointment of candidates in accordance with the order of their ranking until completion of the vacancies for which the competition had been announced.

Article 187

(1) Any interested party may appeal from the resolution of the Supreme Judicial Council under Article 186, Paragraph 3 within 7 days of its adoption.

(2) When an appeal under Paragraph 1 has been filed, candidates shall not enter office.

(3) The Supreme Administrative Court shall examine the appeal as a three-member panel and its judgement shall be final.

Article 188

(1) Competitions shall be organised by the administration of the Supreme Judicial Council.

(2) The procedure for submission of documents for participation in the competition, the formation of commissions, the competition procedure and the procedure for evaluation of the candidates shall be specified in an Ordinance of the SJC that shall be published in the Stage Gazette.

Article 189

(1) The available positions in courts, prosecution offices and investigation services, other than those under Article 178, shall be announced by the Supreme Judicial Council in accordance with the procedure under Article 179 and shall be taken after a competition based on a performance appraisal.

(2) Promotion in position shall be the act of passing to a position of a higher degree in a judicial system body.

(3) Transfer shall be the act of passing to a position of equal degree in a judicial system body.

Article 190

The announcement under Article 189, Paragraph 1 shall be made at the same time as the announcement of positions available for initial appointment and it shall set out the number and type of positions, as well as the judicial system bodies to which it refers.

Article 191

(1) A candidate for a position under Article 189, Paragraph 1 may be a judge, prosecutor or an investigating magistrate with the required service record under Article 164 for the available position announced.

(2) The candidate shall file documents with the Supreme Judicial Council.

(3) The Commission on proposals and the performance appraisal of judges, prosecutors and investigating magistrates shall inspect the documents of all candidates.

(4) The list of all candidates shall be announced on the website of the Supreme Judicial Council, grounds being set out for the candidates failing to satisfy the conditions.

Article 192

(1) The Commission on proposals and the performance appraisal of judges, prosecutors and investigating magistrates shall appraise the performance of every candidate satisfying the occupational requirements for the available position announced, with the exception of candidates whose performance has been appraised a year before the announcement of available positions.

(2) The results of the performance appraisal under Paragraph 1 shall be announced on the website of the Supreme Judicial Council after its completion in respect to all candidates.

(3) Within 7 days of the announcement under Paragraph 2 every judge, prosecutor or investigating magistrate with a positive integrated evaluation at the performance appraisal shall file a statement to confirm his participation in the ranking for the position and for the judicial system body for which he has applied.

(4) A candidate who has failed to file the statement under Paragraph 3 shall not be ranked.

Article 193

(1) The Chairperson of the Commission on proposals and the performance appraisal of judges, prosecutors and investigating magistrates shall submit to the Supreme Judicial Council a reasoned opinion, summarising the results of the performance appraisal for each candidate.

(2) The Supreme Judicial Council shall carry out ranking for every position in accordance with the results of the performance appraisal.

(3) Where several candidates for one position share the same result at the performance appraisal, the candidate with a higher rank shall be given preference. Where the candidates also are of equal rank, preference shall be given to a candidate with a longer service record in judicial system bodies.

Article 194

(1) The Supreme Judicial Council shall adopt a resolution for the promotion or transfer of judges, prosecutors or investigating magistrates following the ranking order until the occupation of vacancies.

(2) A resolution under Paragraph 1 may be appealed subject to the terms and procedure under Article 187.

Section III

Incompatibility

Article 195

(1) A judge, prosecutor or an investigating magistrate, while in office, may not:

1. Be a member of the National Assembly, a mayor or municipal councillor,
2. Be in office in state or municipal bodies, as well as in EU institutions,
3. Exercise trade or be a partner, manager or sit on supervisory, management boards or boards of directors or on control bodies of commercial companies, cooperatives or not-for-profit moral persons carrying out profitable business, with the exception of those of professional associations of the judges, prosecutors and investigating magistrates,
4. Be remunerated for business under a contract or as part of an official legal relationship with a state, municipal or public organisation, a commercial company, cooperative, not-for-profit moral person, an individual or sole proprietor, with the exception of scientific or teaching activities, work on draft legal instruments assigned by the National Assembly or executive bodies, as well as for the exercise of copyright,
5. Exercise a liberal profession or another remunerate professional activity,
6. Be a member of political parties or coalitions, of organisations with a political goal, carry out political activity, as well as be a member of organisations or carrying out business interfering with his independence,

7. Be a member of a trade union organisation outside the judicial system.

(2) Upon termination of office, individuals under Paragraph 1, item 1, the ministers or deputy ministers who have filed a request with the Supreme Judicial Council within 14 days of the date of their relief from office, shall be reinstated to the position previously occupied in judicial system bodies, the time spent in discharging the respective office counting toward their service record under Article 164, Paragraphs 1 - 5.

Section IV

Performance appraisal. Tenure

Article 196

Performance appraisal shall be carried out:

1. To the purpose of acquiring tenure,
2. To the purpose of promotion in position or of transfer,
3. To the purpose of promotion in rank,
4. On a regular basis, 5 years after a previous performance appraisal, until completion of 60 years of age,
5. To the purpose of appointment as an administrative head or a deputy of an administrative head.

Article 197

The appraisal of qualifications of a judge, prosecutor or investigating magistrate shall be made on the basis of general and specific criteria.

Article 198

(1) The general criteria for the performance appraisal of a judge, prosecutor or an investigating magistrate shall be:

1. The number, type and complexity of files and cases,
2. Compliance with terms,
3. The number of acts confirmed and repealed and the grounds therefor,
4. The presence of easy to understand and justified reasoning for the acts,
5. The outcomes of inspections carried out by the Inspectorate at the Supreme Judicial Council,
6. The presence of incentives and sanctions in the period to which the performance appraisal refers,
7. Observation of professional ethics rules for judges, prosecutors and investigating magistrates.

(2) The overall workload in the judicial area concerned and of the specific judicial system body, as well as the workload of the appraised judge, prosecutor or investigating magistrate, compared to that of other judges, prosecutors or investigating magistrates at the same judicial

system body, shall also be taken into consideration for the purposes of performance appraisal.

Article 199

(1) Specific criteria for the performance appraisal of judges shall be:

1. The compliance with the schedule of court hearings,
2. The skills for conducting court hearings and drawing up records of proceedings.

(2) Specific criteria for the performance appraisal of prosecutors shall be:

1. The skills for planning and adopting a structured approach at taking action in pre-trial and trial proceedings,
2. The level of implementation of written instructions and personal orders of a higher-standing prosecutor,
3. The ability to organise the work and to direct investigation bodies and teams involved in pre-trial proceedings.

(3) Specific criteria for the performance appraisal of investigating magistrates shall be:

1. The skills for planning and adopting a structured approach at taking action in pre-trial proceedings,
2. The level of implementation of written instructions and personal orders of the prosecutor.

Article 200

(1) The performance appraisal of an administrative head or of a deputy of an administrative head shall cover an evaluation of his qualifications as a judge, prosecutor or an investigating magistrate and an evaluation of his fitness to occupy a leadership position.

(2) Qualifications shall be evaluated on the basis of the general and specific criteria for judges, prosecutors and investigating magistrates.

Article 201

(1) The criteria for evaluation of the fitness to occupy a leadership position shall be:

1. The ability to work in a team and to distribute assignments therein,
2. The ability to make decisions,
3. Presentability.

(2) While appraising the performance of an administrative head or a deputy of an administrative head, the performance of the judicial system body he heads shall also be analysed and taken into consideration.

(3) Indicators for the evaluation of presentability shall be:

1. The presence of conduct conducive to heightening the respectability of the Judiciary,
2. Skills to communicate with other state bodies, citizens and moral persons.

Article 202

(1) The integrated score from the performance appraisal may be positive or negative.

(2) The levels of a positive integrated score shall be:

1. Satisfactory,

2. Good,

3. Very good.

Article 203

(1) The performance appraisal of a judge, prosecutor or an investigating magistrate shall take place upon:

1. A resolution of the Commission on proposals and the performance appraisal of judges, prosecutors and investigating magistrates,

2. Proposal of a person under Article 38, Paragraph 2 or Paragraph 3.

(2) The proposal for performance appraisal to the purpose of acquiring tenure or for regular performance appraisal shall be made up to three months prior to the expiry of the five-year term.

(3) In cases under Article 196, item 5, the Commission on proposals and the performance appraisal of judges, prosecutors and investigating magistrates shall carry out a performance appraisal of all candidates.

Article 204

(1) The Commission on proposals and the performance appraisal of judges, prosecutors and investigating magistrates may entrust with a support performance appraisal commission the inspection of business of the appraised judges, prosecutors, investigating magistrates, administrative heads or deputies of administrative heads, based on the established appraisal indicators.

(2) In cases under Paragraph 1, the support performance appraisal commission shall submit to the Commission on proposals and the performance appraisal of judges, prosecutors and investigating magistrates a summary report on the outcomes of the inspection, which shall also set out a proposed integrated score.

(3) In order to proceed with performance appraisal, the Commission on proposals and the performance appraisal of judges, prosecutors and investigating magistrates may hear the appraised judge, prosecutor, investigating magistrate, administrative head or deputy of an administrative head, as well as gather additional information, based on the established performance appraisal indicators.

Article 205

(1) The Commission on proposals and the performance appraisal of judges, prosecutors and investigating magistrates shall provide the appraised with the results of the performance appraisal prior to their submission for discussion to the Supreme Judicial Council.

(2) The appraised may give objections in writing, which he shall file with the Commission on proposals and the performance appraisal of judges, prosecutors and investigating magistrates.

(3) The Commission on proposals and the performance appraisal of judges, prosecutors and investigating magistrates shall examine the written objections and give an opinion thereon.

Article 206

(1) The Commission on proposals and the performance appraisal of judges, prosecutors and investigating magistrates shall submit to the Supreme Judicial Council the results of the performance appraisal, the written objections and its opinion thereon, as well as a proposal for an integrated score, within 14 days of completion of the performance appraisal.

(2) The Supreme Judicial Council shall hear the appraised, where the Commission on proposals and the performance appraisal of judges, prosecutors and investigating magistrates has proposed a negative integrated score. The appraised shall be notified at least 7 days before the session date and he shall be given the opportunity of filing objections in writing.

(3) Outside Paragraph 2 cases, the Supreme Judicial Council may hear the appraised judge, prosecutor, investigating magistrate, administrative head or deputy of an administrative head.

Article 207

(1) By resolution the Supreme Judicial Council shall determine the integrated score of the performance appraisal.

(2) The resolution under Paragraph 1 may also contain recommendations to the appraised judge, prosecutor, investigating magistrate, administrative head or deputy of an administrative head, the implementation of which shall be taken into consideration in the following performance appraisal.

(3) In cases where performance appraisal has been carried out to the purpose of acquiring tenure, promotion in rank or of appointment of an administrative head or a deputy of an administrative head and the integrated score is negative, a new performance appraisal may take place two years later, at the earliest.

Article 208

(1) In the performance appraisal methodology, the indicators relating to the examination and disposal of files and cases shall be given the largest weight.

(2) The methodology for performance appraisal, the requirements to the members of support performance appraisal commissions, as well as the content and format of the act in which information about the completed performance appraisal is contained, shall be specified in a resolution of the Supreme Judicial Council.

(3) The resolution under Paragraph 2 shall be published on the website of the Supreme Judicial Council.

Article 209

(1) A judge, prosecutor or investigating magistrate shall acquire tenure after completion of the service record specified in Article 129, Paragraph 3 of the Constitution of the Republic of Bulgaria, provided he has obtained a positive integrated score in his performance appraisal.

(2) The time served as junior judge, junior prosecutor or junior investigating magistrate shall also count toward the service record required for acquisition of tenure.

Section V

Rights and duties

Article 210

Judges, prosecutors and investigating magistrates shall be obligated:

1. To dispose of the files and cases assigned to them within the imparted term,
2. Take part in sessions of the general assembly of the respective judicial system body,
3. Where necessary, to discharge their official duties outside normal business hours,
4. Discharge other office related tasks assigned by their administrative head.

Article 211

(1) Judges and court assessors shall be obligated to keep the secret of deliberations when disposing of cases.

(2) Judges, prosecutors and investigating magistrates shall be obligated to keep as official secret the information of which they have gained knowledge while on service and which affects the interests of citizens, moral persons and the state.

Article 212

Judges, court assessors, prosecutors and investigating magistrates shall have no right to share in advance of the judgement any views on the cases assigned to them, as well as any views on cases not assigned to them.

Article 213

A judge, prosecutor or an investigating magistrate shall not have the right to provide legal advice.

Article 214

A judge, prosecutor or an investigating magistrate may not be convoked to a training field event or a military exercise.

Article 215

In the implementation of their functions, judges, prosecutors and investigating magistrates may ask all state bodies, officials, moral persons and citizens for assistance, which they shall be obligated to provide.

Article 216

(1) The state shall protect judges, prosecutors and investigating magistrates in the discharge of their official duties and shall compensate them for damages suffered during or on the occasion of implementing their official functions. The amount of compensation shall be determined on the basis of the difference between the actual amount of damage and the amount of their mandatory insurance.

(2) Under the conditions of Paragraph 1, the state shall also compensate the damages inflicted on the spouses, ascendants or descendants of judges, prosecutors and investigating magistrates due to the discharge of their official duties.

Article 217

(1) Judges, prosecutors and investigating magistrates may form and be members of organisations for the protection of their professional interests.

(2) Organisations under Paragraph 1 may not be members of federations or confederations of trade union organisations of workers and employees.

Article 218

(1) The chairpersons of the Supreme Court of Cassation and of the Supreme Administrative Court, the Prosecutor General and the Director of the National Investigation Service shall have a basic monthly remuneration equal to 90 percent of the remuneration of the chairperson of the Constitutional Court.

(2) The basic monthly remuneration for the lowest judicial, prosecutorial or investigating magisterial position shall be set at the double amount of the average monthly salary of budget-funded employees, based on data of the National Institute of Statistics.

(3) Remunerations for other positions at judicial system bodies shall be set by the Supreme Judicial Council.

Article 219

On top of the basic monthly remuneration, judges, prosecutors and investigating magistrates shall be paid additional remuneration for extended work as a judge, prosecutor and an investigating magistrate at the amount of 2 percent for each year of service record, not to exceed 40 percent.

Article 220

Additional remuneration for extra work shall be paid to judges, prosecutors and investigating magistrates only for the discharge of their official duties on holidays and days off.

Article 221

Judges, prosecutors and investigating magistrates shall receive every year funds for robes and clothing at the amount of two average monthly salaries of the budget-funded employees.

Article 222

In case of promotion or transfer of a judge, prosecutor or an investigating magistrate within judicial system bodies, no compensation shall be paid.

Article 223

While in office, judges, prosecutors and investigating magistrates may use housing belonging to the internal housing fund of the judicial system bodies.

Article 224

(1) Mandatory social security and health insurance of judges, prosecutors and investigating magistrates shall be provided at the expense of the Judiciary budget.

(2) Judges, prosecutors and investigating magistrates shall be mandatorily insured against accidents at the expense of the Judiciary budget.

Article 225

(1) Upon relief from office, a judge, prosecutor or an investigating magistrate with more than 10 years in service at such position shall have the right to a one-off compensation at the number of gross monthly remunerations equalling the number of years in service with judicial system bodies, not exceeding 20.

(2) Compensation under Paragraph 1 shall not be paid in cases under Article 165, Paragraph 1, item 3, as well as where the integrated score of the last performance appraisal of the judge, prosecutor or investigating magistrate concerned has been negative.

(3) In cases where a judge, prosecutor or an investigating magistrate has been indicted of a deliberate criminal offence or disciplinary proceedings have been opened against him, compensation shall not be paid until completion of the criminal or disciplinary proceedings.

(4) Upon subsequent relief from office, the compensation obtained previously on the same grounds shall be deducted from the compensation due under Paragraph 1.

(5) In the event of death of a judge, prosecutor or investigating magistrate, compensation under Paragraph 1 shall be paid out to his heirs.

Article 226

A judge, prosecutor or investigating magistrate illegally relieved from office shall have, upon reinstatement, the right to compensation at the amount of his gross remuneration for the time in which he was out of office, limited, however, to 6 months. Where he has been appointed to another position entailing a lower salary or has received remuneration for another type of work of a lower amount, he shall be entitled to the difference in salaries or to the difference between such salary and such remuneration. The gross salary on the basis of which compensation is calculated shall be the gross salary set at the moment relief from office is recognised as illegal or of his failure to appear for the purpose of entering office.

Article 227

(1) A judge, prosecutor or an investigating magistrate may not be seconded for more than three months in the same calendar year without his prior written consent.

(2) Pregnant women and the mothers of children aged less than three years may not be seconded without their prior written consent.

(3) For the time in which a judge, prosecutor or an investigating magistrate is seconded for the discharge of a higher office than his own, he shall correspondingly receive higher remuneration.

Article 228

(1) Judges, prosecutors and investigating magistrates shall declare their income and property before the National Audit Office subject to the terms and procedure of the Public Disclosure of Senior Public Official's Financial Interests Act.

(2) The Supreme Judicial Council shall provide the National Audit Office with information about the remunerations of individuals occupying judicial, prosecutorial or investigating magisterial positions, as well as about any changes in their official status.

Article 229

The Labour Code shall apply to any matters that have not been provided for in this Section.

Section VI

Temporary removal from office

Article 230

(1) In cases under Article 132 of the Constitution of the Republic of Bulgaria, where a judge, prosecutor or an investigating magistrate has been indicted, the Supreme Judicial Council shall temporarily remove him from office until the completion of criminal proceedings.

(2) Where, outside cases under Paragraph 1, publicly actionable criminal proceedings have been instituted against a judge, prosecutor or an investigating magistrate, the Supreme Judicial Council may remove him from office until the completion of criminal proceedings.

(3) A request for temporary removal from office shall be made by the Prosecutor General or by no less than one-fifth of the total number of Supreme Judicial Council members - in cases

under Paragraph 2.

(4) In cases where a judge, prosecutor or an investigating magistrate has been remanded in custody, he shall be deemed as temporarily removed from office from the date of entry into force of the judicial act for the adoption of such a measure.

Article 231

Where criminal proceedings have terminated or an acquittal has been adopted, the judge, prosecutor or investigating magistrate temporarily removed from office shall be reinstated and be paid labour remuneration for the duration of such removal.

Article 232

In presence of pending disciplinary proceedings entailing disciplinary relief from office as a sanction, a judge, prosecutor, administrative head or deputy of an administrative head may be removed from office for a period of up to 6 months by the Supreme Judicial Council at the proposal of its disciplinary panel.

Section VII

Ranks. On-the-job promotion. Seniority

Article 233

(1) The ranks of judges, prosecutors and investigating magistrates indicated in the ascending order shall be as follows:

1. A judge at a district court, a prosecutor at a district prosecution office and an investigating magistrate at a district investigation service,

2. A judge at an appellate court and a prosecutor at an appellate prosecution office,

3. A judge at the Supreme Court of Cassation and at the Supreme Administrative Court, a prosecutor at the Supreme Prosecution Office of Cassation and at the Supreme Administrative Prosecution Office and an investigating magistrate at the National Investigation Service.

(2) Judges at the city court in Sofia shall have the rank of a judge at an appellate court and judges at the regional court in Sofia shall have the rank of a judge at a district court.

(3) Prosecutors at the city prosecution office in Sofia shall have the rank of prosecutors at an appellate prosecution office and prosecutors at the regional prosecution office in Sofia shall have the rank of prosecutors at a district prosecution office.

Article 234

On-the-job promotion of a judge, prosecutor and an investigating magistrate to a higher rank and remuneration may take place against substantiated high qualifications and the exemplary discharge of official duties, where the judge, prosecutor and investigating magistrate has served at least three years at this or an assimilated position and provided he meets the requirements of Article 164.

Article 235

Based on the rank for the position held and reckoning with the ranks of judges, prosecutors and investigating magistrates, on-the-job promotion shall be to no more than two higher ranks, inclusive.

Article 236

A judge, prosecutor or an investigating magistrate relieved from office, other than due to the entry into force of a sentence to imprisonment for a deliberate criminal offence or

disciplinary relief from office as a sanction, upon subsequent appointment shall keep the rank he had prior to such relief.

Article 237

The seniority of a judge, prosecutor and an investigating magistrate shall be determined:

1. On the basis of the leadership function or administrative position he discharges at the respective court, prosecution office or investigation service,

2. Upon equality in rank - on the basis of the service record in the respective judicial system body and for those with military titles, on the basis of the latter.

3. Upon equality in position, rank and military title - on the basis of the service record under Article 164, Paragraphs 1 - 5.

Chapter ten

Junior judges, junior prosecutors and junior investigating magistrates.

Judicial assistants and prosecutorial assistants.

Section I

Junior judges, junior prosecutors and junior investigating magistrates

Article 238

An individual meeting the requirements of Article 162 and having successfully passed the respective competition may be appointed as a junior judge, junior prosecutor and junior investigating magistrate.

Article 239

(1) A junior judge shall be appointed to a district court.

(2) A junior prosecutor shall be appointed to a regional prosecution office.

(3) A junior investigating magistrate shall be appointed to a district investigation service.

Article 240

(1) The junior judge, junior prosecutor and junior investigating magistrate shall be appointed for a term of three years.

(2) The term under Paragraph 1 may be extended by 6 months following a resolution of the Supreme Judicial Council to this effect.

Article 241

Upon entering office the junior judge, junior prosecutor and junior investigating magistrate shall correspondingly take the oath under Article 155 and Article 156.

Article 242

The administrative head of the respective court, prosecution office or district investigation service shall designate by order a judge, prosecutor and investigating magistrate as mentor who shall monitor and assist the professional development of the junior judge, junior prosecutor and junior investigating magistrate.

Article 243

(1) Following expiry of the term under Article 240, the junior judge, junior prosecutor and junior investigating magistrate shall be appointed, correspondingly, to the position of a judge at

a regional court, a prosecutor at a regional prosecution office or of an investigating magistrate at a district investigation service without competition.

(2) Where no position is available in the respective judicial area, the individual shall be offered a position in another judicial area.

Section II

Judicial assistants and prosecutorial assistants

Article 244

(1) There shall be judicial assistants at the district and the appellate courts, at the Supreme Court of Cassation and at the Supreme Administrative Court.

(2) There shall be prosecutorial assistants at district and appellate prosecution offices, at the Supreme Prosecution Office of Cassation and the Supreme Administrative Prosecution Office.

Article 245

(1) An individual meeting the requirements of Article 162 and having successfully passed a competition for clerks of court shall be appointed as a judicial assistant and as a prosecutorial assistant.

(2) Candidates shall be appointed in the order of their ranking by the competition commission.

Article 246

(1) Judicial assistants shall be appointed by the administrative head of the respective court.

(2) Prosecutorial assistants shall be appointed by the Prosecutor General or the administrative head of the respective prosecution office.

Article 247

Judicial assistants and prosecutorial assistants shall receive basic monthly remuneration at the amount of 90 percent of the one for the lowest judicial or prosecutorial position.

Article 248

The Labour Code shall apply to matters that have not been provided for in this Section.

Chapter eleven

National Institute of Justice

Article 249

(1) The National Institute of Justice shall carry out:

1. Mandatory inception training,

2. Operations for maintaining and improving the qualifications of judges, prosecutors and investigating magistrates, of state enforcement agents, recordation judges, clerks of court, of the inspectors at the Inspectorate with the Minister of Justice and of other officers of the Ministry of Justice.

(2) A training and information centre shall be set up with the National Institute of Justice, organising distance learning, researching and studying jurisprudence, including the practice in the administration of justice, for training needs.

Article 250

The National Institute of Justice shall be a moral person seated in Sofia.

Article 251

(1) The National Institute of Justice shall be funded from the budget of the Judiciary, from programmes and projects, from donations and through its own business related to training.

(2) The Supreme Judicial Council shall provide resources required for the delivery of all trainings envisaged in the law to the National Institute of Justice budget.

Article 252

(1) The National Institute of Justice shall be headed by a management board, including four representatives of the Supreme Judicial Council and three representatives of the Ministry of Justice.

(2) The chairperson of the Supreme Court of Cassation shall be an ex lege member of the management board from the quota of the Supreme Judicial Council and he shall be the chair of that board.

(3) The Minister of Justice shall be an ex lege member of the management board from the quota of the Ministry of Justice.

Article 253

The management board of the National Institute of Justice shall:

1. Appoint and relieve from office the Director and the deputy directors,
2. Adopt the training programmes,
3. Approve the draft National Institute of Justice budget and submit it to the Supreme Judicial Council,
4. Adopt internal rules as envisaged in the Regulations under Article 263,
5. Approve the composition of the programme board of the National Institute of Justice,
6. Set the number of staff,
7. Adopt a three-year business plan,
8. Organise, direct and control the participation of the National Institute of Justice in the European Judicial Training Network.

Article 254

The resolutions of the management board shall be adopted by a majority of more than half its members, with the exception of resolutions under Article 253, items 1 - 4, which shall be adopted by a majority of two-thirds of the members.

Article 255

(1) The National Institute of Justice shall be managed by a Director.

(2) The Director of the National Institute of Justice shall be appointed by the management board for a term of three years with the right to reappointment after evaluation of his operations by the management board.

(3) In the absence of the Director, his powers shall be exercised by a deputy director thereby authorised in writing.

Article 256

(1) The programme board shall be a support body of the National Institute of Justice with advisory functions.

(2) The composition of the programme board shall be approved by the management board and include prominent specialists of legal theory and practice.

(3) Programme board members shall be involved in the preparation and updating of training programmes.

Article 257

(1) National Institute of Justice training programmes shall be endorsed by the management board at the proposal of the Director.

(2) Programmes and operations for improvement of the qualifications of state enforcement agents, recordation judges, clerks of court, of inspectors at the Inspectorate with the Minister of Justice and of the other officers of the Ministry of Justice shall be coordinated with the Minister of Justice.

Article 258

(1) Immediately after entering office junior judges, junior prosecutors and junior investigating magistrates shall undergo a mandatory inception training course at the National Institute of Justice.

(2) The training course under Paragraph 1 shall last 6 months. During that time trainees shall receive the remuneration for the position to which they have been appointed and shall be exempted from administering justice.

(3) At the end of the training under Paragraph 1, junior judges, junior prosecutors and junior investigating magistrates shall sit for an examination that shall be marked as "pass" or "fail".

(4) When marked "fail", the junior judge, junior prosecutor and junior investigating magistrate concerned shall sit again for the examination three months later. If again marked "fail", the individual shall be relieved from the occupied position.

(5) The National Institute of Justice shall provide methodological guidance to the junior judge, junior prosecutor and junior investigating magistrate following completion of the training course under Paragraph 1 until he takes the respective position.

Article 259

Upon initial appointment to a position with the judicial system bodies, during their first year following entry in office, judges, prosecutors and investigating magistrates shall undergo a mandatory course for the improvement of qualifications.

Article 260

Participation of the clerks of court in the appropriate qualification course of the National Institute of Justice shall be taken into consideration for the purposes of their promotion.

Article 261

The Supreme Judicial Council may decide that particular courses are mandatory for

judges, prosecutors, investigating magistrates and clerks of court, in the event of:

1. Promotion in position,
2. Appointment as administrative heads,
3. Specialisation.

Article 262

(1) The mandatory inception training of junior judges, junior prosecutors and junior investigating magistrates shall be carried out by permanent and temporary instructors.

(2) Permanent instructors of the National Institute of Justice may be judges, prosecutors, investigating magistrates, legal science professors and research workers.

(3) Judges, prosecutors and investigating magistrates doing work as permanent instructors shall be on official leave or they may be seconded by the Supreme Judicial Council at the proposal and expenses of the National Institute of Justice for the time in which they will do teaching.

Article 263

At the proposal of the management board the Supreme Judicial Council shall adopt Regulations concerning the operational organisation of the National Institute of Justice which shall be published in the State Gazette.

Chapter twelve

State enforcement agents

Article 264

(1) There shall be state enforcement agents at the regional courts.

(2) The number of state enforcement agents shall be set by the Minister of Justice.

(3) In regional courts with no state enforcement agents their functions shall be implemented by a regional judge designated by the chairperson of the respective court, of which the Minister of Justice shall be notified.

Article 265

State enforcement agents shall be appointed by the Minister of Justice after competition. The Minister of Justice may also schedule a competition at the proposal of the chairperson of a regional court.

Article 266

(1) The Minister of Justice shall schedule a competition for state enforcement agents by virtue of an order, in which the procedure for its conduct shall be stipulated.

(2) The order shall be posted at a public location inside the building of the regional court and be published in the State Gazette and in a central daily, as well as on the website of the Ministry of Justice, within a period of two months prior to the competition date.

(3) The order under Paragraph 1 shall set out:

1. The number of available positions for state enforcement agents and the areas of their operation,

2. The date, time and venue for the competition,
3. The place and deadline for submission of competition documents,
4. The state fee for participation in the competition and the account to which it must be paid.

(4) The Ministry of Justice shall collect a state fee for the competition at the amount specified in a tariff approved by the Council of Ministers.

Article 267

Individuals meeting the requirements of Article 162 may apply in the competition for state enforcement agents.

Article 268

(1) The competition for state enforcement agents shall consist of written and verbal examination.

(2) The competition shall be conducted by a commission composed of a chairperson and two members, designated by the Minister of Justice.

(3) The competition commission shall rank the candidates and send the ranking to the Minister of Justice within a period of 7 days.

(4) Within 14 days of receiving the ranking, the Minister of Justice shall appoint the candidates who have successfully passed the competition in the order of their ranking, until occupation of the available positions.

Article 269

In the event of a single candidate having worked as state enforcement agent for more than 5 years, the latter shall be appointed to the position without competition.

Article 270

At the request of a state enforcement agent who has discharged such office for no less than two years, the Minister of Justice may transfer him to another regional court after taking the opinion of the chairpersons of the regional courts concerned.

Article 271

A state enforcement agent shall be relieved from office by the Minister of Justice:

1. Upon retirement,
2. At his own wish,
3. Upon entry into force of a sentence to imprisonment for a deliberate criminal offence,
4. In presence of lasting inability to discharge his duties for more than one year,
5. Upon serious breach or systematic failure to discharge his official duties.

Article 272

(1) The Minister of Justice may remove from office a state enforcement agent who has been indicted of a publicly actionable criminal offence.

(2) Upon termination of criminal proceedings or adoption of an acquittal, the state

enforcement agent who has been temporarily removed from office shall be reinstated and paid labour remuneration for the duration of such removal.

Article 273

(1) In judicial areas with two or more state enforcement agents, one of them, having proven his standard of professionalism, shall be appointed for a period of 5 years and with the right to reappointment as head by the Minister of Justice. The individual shall receive additional remuneration for the leadership position he discharges.

(2) In the event of absence, the head shall be replaced by a state enforcement agent designated by the chairperson of the regional court, of which the Minister of Justice shall be notified.

Article 274

Where the position is unoccupied or the appointed state enforcement agent is prevented from discharging the office and may not be replaced by another state enforcement agent of the same court, the chairperson of the respective district court or the Minister of Justice may second in his stead a state enforcement agent from another judicial area.

Article 275

(1) While on duty, a state enforcement agent shall carry a particular sign specified by the Minister of Justice.

(2) State bodies, officials, organisations and the citizens shall be obligated to provide assistance to the state enforcement agent in the discharge of his official duties.

(3) Where illegally obstructed in discharging his official duties, a state enforcement agent may ask for assistance, police bodies being obligated to provide it immediately.

Article 276

Where a state enforcement agent has made proof of professional qualifications and exemplary discharge of his official duties after the completion of 6 years in service, the Minister of Justice may set his remuneration up at the amount of a district court judge's, following a proposal of the chairperson of the respective court.

Article 277

(1) State enforcement agents shall every year be paid sums for clothing at the amount of two average monthly salaries of budget-funded employees.

(2) Mandatory social security and health insurance of state enforcement agents and their insurance against accidents during or on the occasion of discharging their official duties shall be provided at the expense of the Judiciary budget.

(3) Upon termination of their labour legal relationship, state enforcement agents shall be paid compensation subject to the terms of Article 225.

Article 278

Unless otherwise provided for in this Chapter, the Labour Code shall apply.
Chapter thirteen

Recordation judges

Article 279

(1) There shall be recordation judges at the regional courts.

(2) The number of recordation judges shall be set by the Minister of Justice.

(3) In regional courts with no recordation judge or where he is prevented from discharging functions, these shall be taken up by a regional judge, of which the Minister of Justice shall be notified.

(4) The Minister of Justice may entrust a state enforcement agent of the same court with discharging the functions of a recordation judge.

Article 280

(1) A recordation judge shall:

1. Order or refuse recordations, markings or deletions on the estate register and rule on the issuance of abstracts and certificates,

2. Take notary and other action provided for by law.

(2) A recordation judge may only take action in his area.

Article 281

A recordation judge shall be appointed by the Minister of Justice after competition. The Minister of Justice may also schedule a competition at the proposal of the chairperson of a regional court.

Article 282

(1) The Minister of Justice shall schedule a competition for recordation judges by virtue of an order, where the procedure for its conduct shall be stipulated.

(2) The order shall be posted at a public location inside the building of the regional court and be published in the State Gazette and in a central daily, as well as on the website of the Ministry of Justice, within a period of two months prior to the competition date.

(3) The order under Paragraph 1 shall set out:

1. The number of available positions for recordation judges and the areas of their operation,

2. The date, time and venue for the competition,

3. The place and deadline for submission of competition documents,

4. The state fee for participation in the competition and the account to which it must be paid.

(4) The Ministry of Justice shall collect a state fee for the competition at the amount specified in a tariff approved by the Council of Ministers.

Article 283

Individuals meeting the requirements of Article 162 may apply in the competition for recordation judges.

Article 284

(1) The competition for recordation judges shall consist of written and verbal examination.

(2) The competition shall be conducted by a commission composed of a chairperson and

two members, designated by the Minister of Justice.

(3) The competition commission shall rank the candidates and send the ranking to the Minister of Justice within a period of 7 days.

(4) Within two weeks of receiving the ranking the Minister of Justice shall appoint the candidates who have successfully passed the competition, in the order of their ranking until occupation of the available positions.

Article 285

In the event of a single candidate having worked as recordation judge for more than 5 years, he shall be appointed to the position without competition.

Article 286

At the request of a recordation judge who has discharged such office for no less than two years, the Minister of Justice may transfer him to another regional court after taking the opinion of the chairpersons of the regional courts concerned.

Article 287

A recordation judge shall be relieved from office by the Minister of Justice:

1. Upon retirement,
2. At his own wish,
3. Upon the entry into force of a sentence to imprisonment for a deliberate criminal offence,
4. In the presence of lasting inability to discharge his duties for more than one year,
5. Upon serious breach of or systematic failure in discharging his official duties.

Article 288

(1) The Minister of Justice may remove from office a recordation judge who has been indicted of a publicly actionable criminal offence.

(2) Upon termination of the criminal proceedings or adoption of an acquittal, the recordation judge who has been temporarily removed from office shall be reinstated and paid labour remuneration for the duration of such removal.

Article 289

(1) In recordation services with more than one recordation judge, one of them having made proof of a high standard of professionalism shall be appointed by the Minister of Justice as head for a period of 5 years with the right to reappointment. The individual shall receive additional remuneration for the leadership position he discharges.

(2) In the event of absence, the head shall be replaced by a recordation judge designated by the chairperson of the regional court, of which the Minister of Justice shall be notified.

Article 290

Where the position is unoccupied or the appointed recordation judge is prevented from discharging office and may not be replaced by another recordation judge of the same court, the chairperson of the respective district court or the Minister of Justice may second in his stead a recordation judge from another judicial area.

Article 291

Where a recordation judge has made proof of high professional qualifications and an exemplary discharge of official duties, after completion of 6 years in service the Minister of Justice may set his remuneration up to the amount for a district court judge, following a proposal of the chairperson of the respective court.

Article 292

(1) Recordation judges shall every year be paid sums for clothing at the amount of two average monthly salaries of budget-funded employees.

(2) Mandatory social security and health insurance of recordation judges and their insurance against accidents during or on the occasion of discharging their official duties shall be provided at the expense of the Judiciary budget.

(3) Upon termination of their labour legal relationship, recordation judges shall be paid compensation subject to the terms of Article 225.

Article 293

Unless otherwise provided for in this Chapter, the Labour Code shall apply.
Chapter fourteen

Obtaining competency

Article 294

(1) Those who have completed higher education in the specialty area of law shall obtain legal competency after a 6-month internship as trainee lawyers and an examination.

(2) During their internship, trainee lawyers shall gain practical knowledge of the main functions and the organisation of operations of judicial system bodies and be involved in drafting the acts thereby adopted.

Article 295

(1) A trainee lawyer may be a Bulgarian national, a national of another EU member-state or a foreign national who has completed higher education in the specialty area of law in the Republic of Bulgaria.

(2) A trainee lawyer may also be a Bulgarian national, a national of another EU member-state or a foreign national who has completed higher education in the specialty area of law abroad, provided that the diploma acquired by him is recognised in the Republic of Bulgaria and has been legalised.

Article 296

A candidate trainee lawyer shall file with the Ministry of Justice:

1. A written application stating his full name, personal identity number or foreign national personal number and his permanent address,

2. A notarised copy of his diploma or certificate of completed higher education in the specialty area of law,

3. An abstract of his criminal record,

4. A copy of an identity paper,

5. A copy of his certificate of residence, in the case of nationals of another EU member-

state.

Article 297

(1) The Minister of Justice shall assign the trainee lawyer to a district court in the judicial area of which he has his permanent address. By way of exception, where important circumstances so require, a trainee lawyer may be assigned to another judicial area.

(2) During his internship a trainee lawyer shall not receive remuneration and the term of internship shall not count toward his social security record.

(3) Internship shall take place at a regional court, at a district court, at a regional prosecution office, at a district prosecution office and at a district investigation service in accordance with a procedure stipulated by the chairperson of the district court.

(4) The internship shall commence the day on which the trainee lawyer has been admitted to the respective district court. Upon admission, the trainee lawyer shall be issued an internship booklet.

(5) Internship shall be deemed completed where the internship booklet has been duly certified in accordance with the established procedure by the respective court, prosecution office and investigation service.

Article 298

(1) After completion of the internship, the trainee lawyer shall sit for an examination to the purpose of obtaining legal competency.

(2) In order to sit for the examination, the trainee lawyer shall file a written application with the Minister of Justice c/o the chairperson of the respective district court, to which his internship booklet shall be attached.

Article 299

(1) By order the Minister of Justice shall set the date and time for the examination leading to the obtainment of legal competency, the composition of the examination commission, as well as the trainee lawyers admitted for examination.

(2) The date, time of and the list of trainee lawyers admitted for examination shall be announced within three days prior to the examination date at the Ministry of Justice and shall be published on its website.

(3) The examination shall take place at the Ministry of Justice on a questionnaire endorsed by the Minister.

(4) The examination shall be conducted by a three-member commission composed of a chairperson, i.e. representing the Inspectorate with the Minister of Justice, and the following members, i.e. a representative of the judicial system bodies and of the Supreme Bar Council. The judicial system bodies and those of the Supreme Bar Council shall notify the Minister of Justice of the representatives designated by them.

Article 300

(1) The examination leading to the obtainment of legal competency shall be marked with "pass" or "fail". The results of this examination shall be entered on a record of proceedings that shall be signed by the members of the examination commission and stored at the Ministry of Justice.

(2) A trainee lawyer marked with "fail" shall be entitled to re-sit for the examination after an

additional two-month internship.

Article 301

The Minister of Justice shall issue a certificate of legal competency to a trainee lawyer who has been marked with "pass".

Chapter fifteen

Incentives

Article 302

The Supreme Judicial Council may propose to the President of the Republic of Bulgaria the award of orders or medals to judges, prosecutors and investigating magistrates for their exceptional or significant contribution in the exercise of judicial powers.

Article 303

(1) For a high standard of professionalism, exemplary discharge of the official duties and a high standard of ethics, the Supreme Judicial Council may provide incentives to a judge, prosecutor and investigating magistrate, taking the form of a token of appreciation or an award.

(2) There shall be the following tokens of appreciation:

1. Expression of official gratitude and a certificate;

2. Personal sign of honour:

a) First degree - in gold,

b) Second degree - in silver;

3. Early promotion in rank.

(3) The award at the amount of up to one basic monthly remuneration shall be:

1. Either pecuniary,

2. Or an item.

(4) A token of appreciation may be combined with an award.

Article 304

(1) The Minister of Justice, the Chairperson of the Supreme Court of Cassation, the Chairperson of the Supreme Administrative Court, the Prosecutor General, the Director of the National Investigation Service, a chairperson of an appellate, appellate military, district or administrative court, the appellate, appellate military, district and district military prosecutor, one-fifth of the members of the Supreme Judicial Council and the respective professional organisations shall make a proposal for the provision of incentives to the Supreme Judicial Council.

(2) The Inspectorate at the Supreme Judicial Council may propose the provision of incentives to the respective administrative head.

Article 305

(1) The Minister of Justice may provide incentives in the form of a token of appreciation or an award to a state enforcement agent or a to a recordation judge for a high standard of professionalism, exemplary discharge of the official duties and a high standard of ethics in

public life.

(2) There shall be the following tokens of appreciation:

1. Expression of official gratitude and a certificate;
2. Personal sign of honour:
 - a) First degree - in gold,
 - b) Second degree - in silver;

(3) The award at the amount of up to one basic monthly remuneration shall be:

1. Either pecuniary,
2. Or an item.

(4) A token of appreciation may be combined with an award.

Article 306

The chairperson of the respective regional court or the Inspector General at the Inspectorate with the Minister of Justice shall propose the provision of incentives to the Minister of Justice.

Chapter sixteen

Discipline

Article 307

(1) A judge, prosecutor, investigating magistrate, state enforcement agent and a recordation judge shall be disciplined where they have committed a disciplinary offence.

(2) A disciplinary offence shall be the guilty failure of a judge, prosecutor and investigating magistrate in fulfilling their official duties.

(3) Disciplinary offences shall be:

1. The systematic failure to observe terms provided for in procedural laws,
2. Any action slowing down proceedings without justification,
3. The breaking of professional ethic rules,
4. Any action undermining the prestige of the Judiciary,
5. Failure to discharge any other official duties.

(4) Other than in cases under Paragraph 1, a military judge, military prosecutor and a military investigating magistrate shall also incur disciplinary liability for offences provided for in special laws and statutes.

(5) Disciplinary liability shall be incurred irrespective of civil, criminal or penal administrative liability, should any of the latter be envisaged.

Article 308

(1) The disciplinary sanctions for a judge, prosecutor, investigating magistrate, administrative head and a deputy of an administrative head shall be:

1. Reprimand,
2. Censure,
3. Reduction of the basic labour remuneration by 10 to 25 percent for a term of 6 months to two years,
4. Demotion in rank or position at the same judicial system body for a term of one to three years,
5. Relief from office as administrative head or deputy of an administrative head,
6. Disciplinary relief from office.

(2) The disciplinary sanctions for state enforcement agents and for recordation judges shall be:

1. Reprimand,
2. Censure,
3. Warning of dismissal,
4. Dismissal.

(3) One disciplinary sanction shall only be imposed for one and the same disciplinary offence.

Article 309

When setting the disciplinary sanction, the gravity of the offence, the form of guilt, the surrounding circumstances and the conduct of the offender shall be taken into consideration.

Article 310

(1) Disciplinary proceedings shall be opened within up to three months of discovery, but not later than two years of commission of the offence.

(2) Disciplinary proceedings shall end within up to three months from being instituted, expiry of said term not constituting valid grounds for liability ceasing to exist.

(3) Where an offence takes the form of an omission to act, the terms under Paragraph 1 shall start running from the discovery thereof.

(4) In the case of a disciplinary offence which is also a crime established by virtue of an effective sentence, the terms under Paragraph 1 shall start running from the entry into force of such sentence.

(5) The terms under Paragraph 1 shall not run during legally established leave of the individual concerned.

Article 311

A disciplinary sanction shall be imposed by:

1. The administrative head, as regards the sanctions under Article 308, Paragraph 1, items 1 and 2 served on a judge, prosecutor or an investigating magistrate;

2. The Supreme Judicial Council, as regards the sanctions:

a) Under Article 308, Paragraph 1, items 2, 4, and 6 served on a judge, prosecutor or an investigating magistrate,

b) Served on an administrative head or a deputy of an administrative head;

3. The Minister of Justice, in respect to the sanctions served on a state enforcement agent or a recordation judge.

Article 312

(1) A proposal for the imposition of a disciplinary sanction on a judge, prosecutor, investigating magistrate, administrative head or a deputy of an administrative head can be made by:

1. The respective administrative head,
2. Any higher-standing administrative head,
3. The Inspectorate at the Supreme Judicial Council,
4. No less than one-fifth of the Supreme Judicial Council members,
5. The Minister of Justice.

(2) A proposal for the imposition of a disciplinary sanction on a state enforcement agent or a recordation judge can be made by the administrative head of the respective district or regional court or by the Inspector General of the Inspectorate with the Minister of Justice.

Article 313

(1) Prior to imposing a disciplinary sanction, the sanctioning body shall hear the disciplinary defendant or take his written explanation and shall collect the evidence of relevance to the case.

(2) Where the sanctioning body has not heard the individual or has not taken his written explanation, the court shall repeal the imposed disciplinary sanction without examining the case on its merits, unless the disciplinary defendant has failed to provide explanations or has not been heard for reasons attributable to him.

(3) Until entry into force of the order or of the decision for imposition of a disciplinary sanction, no facts or circumstances concerning the disciplinary proceedings may be disclosed.

Article 314

(1) Disciplinary sanctions under Article 308, Paragraph 1, items 1 and 2 shall be imposed by a reasoned order of the administrative head on a judge, prosecutor or investigating magistrate who is a disciplinary defendant.

(2) The administrative head shall notify the Supreme Judicial Council of the imposed sanction, forwarding the file and the order immediately after issuance of the latter.

(3) The Supreme Judicial Council, within up to one month of receiving the order under Paragraph 2, may uphold, repeal or modify the imposed sanction in pursuance of the general

procedure.

(4) The order of the administrative head for the imposition of a disciplinary sanction may not be separately appealed before court.

(5) Where in the course of disciplinary proceedings it is established that there are grounds for the imposition of a sanction under Article 308, Paragraph 1, items 3, 4, and 6, the administrative head shall suspend the disciplinary proceedings, making a proposal for the imposition of the sanction to the Supreme Judicial Council and sending the file to the latter.

Article 315

Disciplinary sanctions under Article 308, Paragraph 2 shall be imposed by a reasoned order of the Minister of Justice.

Article 316

(1) Disciplinary sanctions under Article 308, Paragraph 1, items 3, 4 and 6 served on a judge, prosecutor and an investigating magistrate, as well as disciplinary sanctions served on an administrative head or a deputy of an administrative head, shall be imposed by a resolution of the Supreme Judicial Council.

(2) Disciplinary proceedings shall be instituted within 7 days of receipt of a proposal to this effect.

(3) When instituting disciplinary proceedings, the Supreme Judicial Council shall designate by a draw of lots from among its members a three-member disciplinary panel. The members of the disciplinary panel shall elect a presiding member.

(4) The presiding member of the disciplinary panel shall schedule a hearing within 7 days of the institution of disciplinary proceedings.

(5) Copies of the proposal for imposition of a disciplinary sanction and of the written evidence attached thereto shall be sent to the disciplinary defendant who, within 7 days of the notification made in pursuance of the Civil Procedure Code, may file written objections and indicate evidence.

Article 317

(1) The disciplinary defendant and the author of the proposal shall be notified of the hearing conducted by the disciplinary panel.

(2) Once disciplinary proceedings have been instituted, the author may not withdraw his proposal.

Article 318

(1) Hearings conducted by the disciplinary panel shall be closed.

(2) The disciplinary defendant shall be entitled to have defence provided by an attorney-at-law.

(3) The disciplinary panel shall elucidate the facts and circumstances surrounding the offence, being allowed to gather verbal, written and material evidence, including through the services of a delegated member, as well as to hear expert witnesses in accordance with the Civil Procedure Code.

(4) The author of the proposal or a representative thereby authorised, the disciplinary defendant and his defence counsel shall be heard by the disciplinary panel in case they attend

the hearing.

Article 319

(1) Within 7 days of the last hearing the disciplinary panel shall adopt a resolution, establishing the facts subject to substantiation; give an opinion on the circumstances and the legal basis for the imposition of a disciplinary sanction and propose the type and amount of such sanction.

(2) The decisions of the disciplinary panel shall be adopted by a majority of more than half its members.

Article 320

(1) Within 7 days of adopting a decision, the disciplinary panel shall transmit it to the acting chairperson of the Supreme Judicial Council together with the case file to the purpose of their immediate submission to the Supreme Judicial Council.

(2) The Supreme Judicial Council shall examine the proposal of the disciplinary panel for the imposition of a disciplinary sanction within 7 days of its submission.

(3) The Supreme Judicial Council may reject the proposal for the imposition of a disciplinary sanction or impose a disciplinary sanction.

(4) The resolution of the Supreme Judicial Council shall be adopted by a majority of more than half its members and it shall be reasoned. The reasoning for the decision of the disciplinary panel, as well as any considerations shared by Supreme Judicial Council members, shall count as reasoning for the resolution.

(5) The resolution of the Supreme Judicial Council shall be immediately notified in pursuance of the Civil Procedure Code to the disciplinary defendant and to the author of the proposal.

Article 321

A disciplinary sanction shall be imposed on a state enforcement agent or on a recordation judge by the Minister of Justice after a hearing of the individual or presenting him with the opportunity to submit written objections against the proposal within a period of 7 days.

Article 322

A disciplinary sanction shall be deemed imposed on the day of notification to the disciplinary defendant of the Supreme Judicial Council's resolution or of the order of the Minister of Justice.

Article 323

(1) The resolution of the Supreme Judicial Council or the order of the Minister of Justice may be appealed before the Supreme Administrative Court within 7 days of notification, by the individual who has been imposed a disciplinary sanction.

(2) The appeal shall not suspend execution, unless the Supreme Administrative Court decides otherwise.

(3) The appeal shall be examined by a three-member panel of the Supreme Administrative Court within one month of being received in court.

(4) The judgement of the three-member panel of the Supreme Administrative Court shall be final, unless it upholds a disciplinary relief from office or dismissal.

(5) A judgement upholding a disciplinary relief from office or dismissal shall be subject to appeal within 7 days of notification before a five-member panel of the Supreme Administrative Court. The five-member panel shall examine the case within one month of receiving the appeal and its judgement shall be final.

Article 324

The effective resolution for the imposition of a disciplinary sanction on a judge, prosecutor, investigating magistrate, an administrative head and on a deputy of an administrative head shall be posted on the website of the Supreme Judicial Council.

Article 325

(1) The effective resolution of the Supreme Judicial Council for the imposition of a disciplinary sanction shall be subject to immediate execution.

(2) The effective resolution for the imposition of the disciplinary sanction of demotion in rank or position or of relief from the office of administrative head or of a deputy of an administrative head shall also be a basis for the reduction of remuneration received by the judge, prosecutor or investigating magistrate concerned in line with the lower rank or position, for the term of the sanction involved.

Article 326

(1) A disciplinary sanction, with the exception of relief from office or of dismissal, shall be deleted one year after having been served.

(2) The deletion of the disciplinary sanction of relief from the office of administrative head or of a deputy of an administrative head shall not be a basis for the reinstatement of the individual to the position from which he has been relieved.

(3) A disciplinary sanction, with the exception of disciplinary relief from office or dismissal, may also be deleted prior to the expiry of the term under Paragraph 1, but no earlier than 6 months following its imposition, by the body which has imposed it, provided the individual on whom it has been served has not committed any other offence.

(4) Early deletion of a disciplinary sanction shall occur at the initiative of the administrative head or of the bodies or the persons that have made a proposal for its imposition.

(5) Deletion shall act ex nunc.

Article 327

An administrative head may draw the attention of judges from the regional, district, administrative and appellate court, of prosecutors from the regional, district and appellate prosecution offices, of investigating magistrates from the National Investigation Service and District Investigation Services to any breaches they have allowed to occur in the institution and progress of cases or in the organisation of their work, the Supreme Judicial Council being notified thereof.

Article 328

Insofar as this Chapter contains no special rules, those of the Civil Procedure Code shall apply.

Chapter seventeen

Court vacation. Types of leave

Article 329

(1) The courts shall be on vacation from 15 July until 1 September.

(2) Prosecutors and investigating magistrates, state enforcement agents and recordation judges shall not have the benefit of court vacation.

(3) The following shall be examined during the court vacation:

1. Criminal cases in which a measure of remand in custody has been adopted;

2. Cases for alimony, parental rights of children under age and for illegal dismissal;

3. Requests for the provision of security for claims, for evidence, for the obtainment of authorisations and orders under the Family Code, for the appointment of special representatives;

4. Bankruptcy cases;

5. Cases under the Protection against Domestic Violence Act;

6. Cases the examination of which is stipulated by law within less than a month;

7. Other cases, based on the judgement of the administrative head of the court or prosecution office or of the Minister of Justice.

(4) The administrative heads of courts and prosecution offices shall ensure during court vacation a sufficient number of judicial panels and prosecutors for the examination of the above cases and requests.

Article 330

(1) A judge, prosecutor, investigating magistrate, state enforcement agent and a recordation judge shall have the right to a regular paid annual leave of 30 business days and to additional leave at the amount of one business day for any two years of legal service on record.

(2) The total amount of leave under Paragraph 1 may not exceed 60 calendar days.

Article 331

(1) A judge, prosecutor, investigating magistrate, state enforcement agent or a recordation judge may be allowed unpaid leave.

(2) Unpaid leave of up to 30 business days in a calendar year shall count as legal service record.

Article 332

(1) A judge, prosecutor, investigating magistrate, state enforcement agent or a recordation judge shall have the right to leave:

1. For contracting marriage, of two business days,

2. In the event of donating blood, on the day of the examination and blood donation and a day thereafter,

3. In the event of death of a parent, child, spouse, brother, sister or relative of the spouse, as well as of other relatives of direct lineage without limitation, of two business days.

4. Where he has been summonsed to court as a party or witness,

5. During training and participation in voluntary formations under the Disaster Protection Act.

(2) A state enforcement agents or recordation judge shall also have the right to leave when called to a field training event, for the duration thereof, including the days of travel to and from it. Where the field training event lasts 15 or more days, the state enforcement agents and the recordation judge shall have the right to two calendar days of paid leave prior to their departure and to two days after their return.

(3) During leaves under Paragraph 1, items 1 - 3, the remuneration for the position held shall be paid, and under Paragraph 1, items 4 and 5 or under Paragraph 2 - subject to the provisions of special laws.

Article 333

A judge, prosecutor, investigating magistrate, state enforcement agent or recordation judge shall have the right to leave for temporary work disability, pregnancy, birth and adoption, for raising a young child, for lactation and feeding of a young child, in the event of death or serious disease of a parent, subject to the conditions and at the amounts provided for in the Labour Code and the Social Security Code.

Article 334

(1) For the duration of his participation in qualification improvement and prequalification courses, a judge, prosecutor, investigating magistrate, state enforcement agent or a recordation judge shall be on official paid leave.

(2) For the duration of an election campaign when a judge, prosecutor, investigating magistrate, state enforcement agent and a recordation judge runs for elected office at state bodies, he shall be on official paid or unpaid leave.

(3) A judge, prosecutor, investigating magistrate, state enforcement agent or a recordation judge who has been sent away to improve his qualifications by a judicial system body or the Minister of Justice for a period of more than three months, shall be obligated to work at the respective body for a period of no less than three years after his return. Where the individual terminates his legal relationship prior to the expiry of said period, he shall retribute the full amount he has received for the trip.

Article 335

A judge, prosecutor, investigating magistrate, state enforcement agent and a recordation judge shall also have the right to leave for training subject to the conditions, in pursuance of the procedure and at the amounts provided for in the Labour Code.

Article 336

A judge, prosecutor or a clerk of court shall use his regular annual paid leave during the court vacation and where this is not possible - at another time throughout the year.

Article 337

Based on a judgement of the administrative head, a judge, prosecutor, investigating magistrate, state enforcement agent or a recordation judge shall not be able to use leave other than in the event of temporary work disability, before he has prepared his acts and returned the cases assigned to him.

Article 338

The use of leave other than for temporary work disability, shall be authorised by:

1. The chairperson of the regional court, for judges at the regional court, for state

enforcement agents and recordation judges,

2. The chairperson of the district court, for judges at the district court and for chairpersons of regional courts,

3. The chairperson of the military court, for judges at the military court,

4. The chairperson of the administrative court, for judges at the administrative court,

5. The chairperson of the appellate court, for judges at the appellate courts and for the chairpersons of district courts,

6. The chairperson of the appellate military court, for judges of the appellate military court and the chairpersons of the military courts,

7. The chairperson of the Supreme Court of Cassation, for judges at the Supreme Court of Cassation and for the chairpersons of appellate courts and of the appellate military court,

8. The chairperson of the Supreme Administrative Court, for judges at the Supreme Administrative Court and for chairpersons of administrative courts,

9. The district prosecutor, for prosecutors at the district prosecution office and at regional prosecution offices,

10. The appellate prosecutor, for prosecutors at the appellate prosecution office and for district prosecutors,

11. The district military prosecutor, for prosecutors at the district military prosecution office and for military investigating magistrates,

12. The appellate military prosecutor, for prosecutors at the appellate military prosecution office and for district military prosecutors,

13. The Prosecutor General, for the administrative heads of the Supreme Prosecution Office of Cassation and of the Supreme Administrative Prosecution Office, the prosecutors at the same prosecution offices, appellate prosecutors and the appellate military prosecutor,

14. The Director of the National Investigation Service, for all investigating magistrates.

Article 339

The Labour Code shall apply to matters that have not been provided for under this Chapter.

Chapter eighteen

Administration of the judicial system bodies

Article 340

(1) In the discharge of its powers the Supreme Judicial Council, the Inspectorate at the Supreme Judicial Council and judicial system bodies shall be assisted by their administration.

(2) The administration of judicial system bodies shall be the administration of the Supreme Court of Cassation, of the Supreme Administrative Court, of the Prosecutor General, of the Supreme Prosecution Office of Cassation, of the Supreme Administrative Prosecution Office, of the National Investigation Service, of the courts, the prosecution offices and the investigation services.

(3) Officers of the administration of the Supreme Judicial Council, the Inspectorate at the Supreme Judicial Council or judicial system bodies shall be clerks of court.

Article 341

(1) The Supreme Judicial Council shall issue a classifier of the positions in the administration, specifying their names, the minimum education degree and other requirements to the respective position, the remuneration for a given position, the rank for a given position and the remuneration for a given rank.

(2) The number of clerks of court for each judicial system body shall be set by the respective administrative head in coordination with the Supreme Judicial Council.

Article 342

(1) The Supreme Judicial Council, in coordination with the Minister of Justice, shall adopt Regulations for the administration of judicial system bodies.

(2) The Regulations shall specify the units of the administration, their functional characteristics, the work organisation in the administration of judicial system bodies, the plan of positions, the types of job descriptions for the clerks of court, the competition procedure for clerks of court and their appointing bodies.

(3) Regulations shall be published in the State Gazette.

Article 343

(1) A clerk of court whose business is associated with the discharge of the powers of bodies under Article 340, Paragraph 1, shall be appointed after competition.

(2) When a clerk of court is appointed to another position at the Supreme Judicial Council, the Inspectorate at the Supreme Judicial Council or at the same judicial system body, as well as in the event of transfer, no competition shall take place.

Article 344

The appointing body shall be held to provide the clerk of court with the conditions required for the discharge of his official duties, as well as for improvement of his qualifications or for prequalification.

Article 345

(1) A clerk of court shall be held to discharge his duties in good faith and with precision, in accordance with his job description.

(2) Additional duties may be assigned to a clerk of court temporarily - up to 45 days in a year, in the event of service need.

(3) In the event of service need, a clerk of court shall also be held to discharge his official duties outside normal business hours.

(4) For discharging his official duties on days off and during holidays at the personal order of the respective head, a clerk of court shall receive additional remuneration at the amount specified by the Supreme Judicial Council.

Article 346

A clerk of court shall be held to keep as official secret the information of which he has gained knowledge as part of his office and which affects the interests of citizens, moral persons and the state.

Article 347

While discharging his official duties and in public, a clerk of court should adopt a conduct that is not detrimental to the prestige of the Judiciary.

Article 348

A clerk of court shall be entitled to a basic monthly remuneration specified for the position held at the amount of 80 percent of the remuneration of a court administrator.

Article 349

(1) Rank shall be the expression of the level of professional qualifications of a clerk of court.

(2) Ranks for the clerks of court shall be from five to one, in the ascending order. Upon initial appointment to judicial system bodies a clerk of court shall be attributed the minimum rank for the respective position, as specified in the classifier under Article 341.

(3) The terms and procedure for the attribution of ranks and for promotion in rank shall be specified in Regulations under Article 342, Paragraph 1.

Article 350

The Supreme Judicial Council shall specify the amount of annual leave for clerks of court and the amount of additional paid annual leave for work outside normal business hours and for the discharge of additional duties by a clerk of court.

Article 351

(1) Mandatory social security and health insurance of clerks of court shall be provided at the expense of the Judiciary budget.

(2) A clerk of court shall be mandatorily insured against accident at the expense of the Judiciary budget.

Article 352

Every year clerks of court shall be paid an amount for clothing equalling two average monthly salaries of budget-funded employees.

Article 353

In the discharge of his official duties a clerk of court shall identify himself using an office card.

Article 354

A clerk of court having obtained entitlement to a retirement pension for length of social security service record and old age, upon relief from office shall have the right to a one-off pecuniary compensation equalling the number of gross monthly remunerations for each year in service with the judicial system bodies, but not more than 10 gross monthly remunerations.

Article 355

(1) The administration of the Supreme Judicial Council shall be headed by a Secretary General.

(2) An individual meeting the requirements of Article 164, Paragraph 2 may be appointed as Secretary General of the Supreme Judicial Council.

(3) A Secretary General shall be appointed by resolution of the Supreme Judicial Council after competition.

(4) While in office, the Secretary General of the Supreme Judicial Council may not be a member of a political party or coalition, an organisation with a political goal, as well as exercise any political activity.

(5) The Secretary General shall:

1. Appoint and relieve from office the officers in the administration of the Supreme Judicial Council,

2. Manage human resources in the administration of the Supreme Judicial Council,

3. Provide methodological guidance to and control court administrators.

(6) The Secretary General shall receive basic monthly remuneration at the amount of 80 percent of that paid to a judge at the Supreme Court of Cassation.

(7) Time in service as Secretary General of the Supreme Judicial Council shall count as service record under Article 164, Paragraphs 1 - 5.

(8) The units in the administration of the Supreme Judicial Council, the functional characteristics, position plans, the types of job descriptions of the clerks and the work organisation of the administration shall be set out in the Regulations under Article 30, Paragraph 4.

Article 356

(1) The administration of the Inspectorate at the Supreme Judicial Council shall be headed by a Secretary General.

(2) An individual meeting the requirements of Article 164, Paragraph 2 may be appointed as Secretary General.

(3) The Secretary General shall be appointed at the order of the Inspector General after competition.

(4) While in office, the Secretary General of the Inspectorate at the Supreme Judicial Council may not be a member of a political party or coalition, an organisation with a political goal or carry out any political activity.

(5) The Secretary General shall:

1. Appoint and relieve from office the officers in the administration of the Inspectorate at the Supreme Judicial Council,

2. Manage human resources in the administration of the Inspectorate at the Supreme Judicial Council.

(6) The Secretary General shall receive basic remuneration at the amount of 80 percent of the remuneration of a judge at the Supreme Court of Cassation.

(7) Time in service as Secretary General of the Inspectorate at the Supreme Judicial Council shall count as service record under Article 164, Paragraphs 1 - 5.

(8) The units in the administration of the Inspectorate at the Supreme Judicial Council, the functional characteristics, position plans, the types of job descriptions of the clerks and the work

organisation of the administration shall be set out in the Regulations under Article 55, Paragraph 4.

Article 357

(1) The administrations of the Supreme Court of Cassation, the Supreme Administrative Court, of the Prosecutor General and of the National Investigation Service shall be headed by Secretaries General.

(2) The administrations of the courts and prosecution offices shall be headed by court administrators.

(3) The appointment of a Secretary General and of a court administrator shall take place after a competition, organised by the Secretary General of the Supreme Judicial Council.

(4) The competition shall be conducted by a standing commission including three members of the Supreme Judicial Council, a representative of the administration of the Supreme Judicial Council and the administrative head of the respective judicial system body, for which a competition for a Secretary General or a court administrator has been announced.

(5) While in office, the Secretary General and the court administrator may not be members of a political party or coalition, an organisation with a political goal and carry out political activity.

(6) Occupational requirements for the position of a secretary general and a court administrator shall be specified in the Regulations under Article 342, Paragraph 1.

(7) The Secretary General and the court administrator shall:

1. Plan, organise and manage the clerks of court,
2. Be in charge of managing administrative business at the respective court, prosecution office and investigation service,
3. Introduce programme applications for the purposes of long-term planning, budget policy, finance, automation, equipment supplies and public relations.

(8) The Secretary General shall receive a basic monthly remuneration at the amount of 80 percent of the basic remuneration of a judge at the Supreme Court of Cassation.

(9) A court administrator shall receive basic remuneration at the amount of 80 percent of the basic remuneration of a judge at the respective court.

Article 358

(1) The activity of judicial system bodies for the provision of information to the public and for ensuring relations with the mass media shall be assisted by press offices.

(2) The status, rights and duties of officers at press offices shall be specified in the Regulations under Article 55, Paragraph 4 and Article 342, Paragraph 1.

Article 359

The Labour Code shall apply to matters of concern to clerks of court that have not been provided for under this Chapter.

Article 360

(1) In the presence of appropriate technical capabilities, all acts and documents in the cases shall also be prepared on electronic carriers.

(2) Where a pending case or file has to be annexed to another case, materials shall be fully copied, such copies being certified by the body before which proceedings are pending and sent to the purpose of being annexed.

Chapter nineteen

Judiciary budget

Article 361

(1) A separate Judiciary budget shall be part of the state budget.

(2) The Judiciary budget shall consist of the budgets of the Supreme Judicial Council, the Inspectorate at the Supreme Judicial Council, the judicial system bodies that are moral persons and of the National Institute of Justice.

(3) The Judiciary budget shall include all revenues from the operation of judicial system bodies and of the National Institute of Justice, any subsidies from the Ministry of Finance, the expenses for the support of judicial system bodies, with the exception of those that by virtue hereof have been attributed to the budget of the Ministry of Justice, as well as the transitional carryover.

Article 362

When preparing the draft Judiciary budget the Minister of Justice shall receive opinions and proposals from the administrative heads of judicial system bodies.

Article 363

The draft Judiciary budget shall be accompanied by estimates for the upcoming two years.

Article 364

(1) The Council of Ministers shall table to the National Assembly a draft State Budget of the Republic of Bulgaria Act for the respective year together with the draft annual Judiciary budget as proposed by the Supreme Judicial Council, with a detailed rationale.

(2) When adopting the state budget the National Assembly shall hear a report of the Supreme Judicial Council submitted by its representative, immediately after the report of the Council of Ministers.

(3) The National Assembly shall adopt the budget of the Judiciary as distributed between the Supreme Judicial Council, the Inspectorate at the Supreme Judicial Council, the judicial system bodies and the National Institute of Justice.

Article 365

The Supreme Judicial Council shall organise the implementation of the Judiciary budget through the Inspectorate at the Supreme Judicial Council, the Supreme Court of Cassation, the Supreme Administrative Court, the courts, the Prosecutor General, the National Investigation Service and the National Institute of Justice.

Article 366

(1) The Supreme Judicial Council shall draw up an annual report on the cash implementation of the Judiciary budget based on a full budget classification to be mandatorily included as an integral part of the summary report on the implementation of the state budget.

(2) The report under Paragraph 1 shall be included by the Ministry of Finance when drawing up the report on the implementation of the state budget.

(3) Every year, together with the report on the implementation of the state budget, the Council of Ministers shall table to the National Assembly the report on the implementation of the Judiciary budget adopted by the SJC, accompanied by a detailed rationale.

Article 367

The Supreme Judicial Council shall organise the development and ensure the functioning of a financial management and control system inside judicial system bodies, as well as the internal audit of the assimilation and management of budgetary resources.

Chapter twenty

Interaction between the Judiciary and the Executive
Section I

General provisions

Article 368

The Judiciary and the Executive shall interact through the Minister of Justice and the administration of the Ministry of Justice.

Article 369

The Minister of Justice shall discharge his powers stipulated in the Constitution through the activities herein provided for.

Article 370

(1) Interaction of judicial system bodies and the Supreme Judicial Council with the bodies of the Executive shall be carried out along the following lines:

1. Court business,
2. Developing draft primary and secondary legal instruments of concern to the judicial system and the activities falling in the competence of the Minister of Justice,
3. Professional qualifications,
4. Information technologies,
5. Combating crime and criminological research,
6. Managing the property of the Judiciary,
7. Business associated with the preparation of the draft Judiciary budget,
8. Security and protection,
9. Business associated with the state and private enforcement agents, the notaries public, the recordation judges and the receivers in bankruptcy,
10. International cooperation.

(2) The functions and work organisation of the respective structural units of the Ministry of Justice shall be specified herein and in the Organic Regulations of the Ministry of Justice.

Article 371

Every year the Minister of Justice shall table to the National Assembly a report on the status, structure and dynamics of crime, on its causes and the underlying conditions, as well as

on the measures taken there against.

Section II

Inspectorate with the Minister of Justice

Article 372

(1) There shall be an Inspectorate with the Minister of Justice that shall:

1. Store and summarise information received from judicial system bodies about the institution, progress and disposal of court, prosecutorial and investigating magisterial cases, of enforcement and recordation cases,

2. Assist the Minister of Justice in the discharge of his powers to draw up proposals for the adoption of interpretative judgements or of interpretative decrees, as well as to draw up opinions on the proposals made for the adoption of interpretative judgements or of interpretative decrees,

3. Inspect the institution, progress and disposal of: enforcement cases of the state enforcement agents, of the private enforcement agents, of recordation cases and summarise and analyse the practice in these cases,

4. Inspect the business of private enforcement agents,

5. Exercise control on a day-to-day basis, ensuring the right organisation and conduct of internships for obtaining legal competency and take part in the examination for obtaining legal competency,

6. Carry out other inspections assigned by the Minister of Justice.

(2) Inspections under Paragraph 1 shall be carried out on the basis of a plan endorsed by the Minister of Justice.

(3) The Inspectorate with the Minister of Justice shall also inspect and analyse the business of the notaries public, acting together with inspector notaries public.

Article 373

Officials shall be held to provide assistance to inspectors of the Inspectorate with the Minister of Justice in the implementation of their functions and to allow them access of the materials, subject to the requirements of the Classified Information Protection Act and the Personal Data Protection Act.

Article 374

(1) The Inspectorate with the Minister of Justice shall consist of inspectors headed by an Inspector General.

(2) The Inspector General and the inspectors shall be appointed by the Minister of Justice. The Inspector General shall be appointed for a term of 5 years and the inspectors - for a term of 4 years without limitation on further reappointment.

(3) An individual with at least 12 years of legal service record may be appointed as inspector general and with at least 8 years of legal service record - as inspector.

(4) The remuneration of the inspector general shall equal that of a judge at an appellate court and that of inspectors - to the remuneration of a judge at a district court.

(5) The initial appointment of an Inspector General or of an inspector shall take place at the outcome of a competition under the Labour Code and reappointments - following a performance appraisal.

Article 375

(1) Upon relief from the office of Inspector General or of inspector, an individual shall be reinstated to the position held prior to such appointment, provided he has worked in judicial system bodies.

(2) To the purpose of reinstatement under Paragraph 1, an individual shall file, within 14 days of his relief from office, a request with the Supreme Judicial Council or with the Minister of Justice, as regards state enforcement agents or recordation judges.

(3) Time in service as Inspector General or inspector at the Inspectorate with the Minister of Justice shall count as service record under Article 164, Paragraphs 1 - 5.

Article 376

The Labour Code shall apply, with reference to any matters that have not been provided for in this section, to the inspectors of the Inspectorate with the Minister of Justice.

Section III

Court statistics. Information systems

Article 377

In accordance with the Statistics Act, the Minister of Justice, the chairperson of the Supreme Court of Cassation, the chairperson of the Supreme Administrative Court, the Prosecutor General and the Director of the National Investigation Service shall provide the National Institute of Statistics with statistical data for publication.

Article 378

(1) The integrated information system for combating crime (IISCC) shall be a combination of automated information systems and shall consist of a central component (core) connected to the systems of the Judiciary and of the Executive, processing information about events and items in the criminal process and the enforcement of sentences and, taken as a whole, shall provide integrated information support in combating crime.

(2) Judicial system bodies, the Ministry of Interior, the Ministry of Defence and the Ministry of Justice, subject to the requirements of Paragraph 3, shall set up, maintain, use and develop internal information systems that shall be part of the IISCC and be specified in an Ordinance of the Council of Ministers.

(3) The integrated information system for combating crime shall ensure:

1. The presence of standards for information compatibility and the exchange of data within IISCC and between the automated information systems and technologies connected to the IISCC,

2. Regulated uniform use of the information about combating crime and the enforcement of sentences,

3. Monitoring of the status and trends of crime, the course of the criminal process and the enforcement of sentences taken as a whole.

Article 379

(1) The Ministry of Justice shall set up, maintain, use and develop the IISCC core.

(2) The Ministry of Justice shall set up and develop communication components that will connect the IISCC core to the internal systems. The communication components shall be operated and maintained by the agencies whose automated information systems are connected to the IISCC core.

(3) The institutions whose automated information systems are connected to the IISCC core shall be held to provide the information required for the operation of the IISCC.

Article 380

The design, development and implementation of automated information systems in law enforcement and jurisdictional bodies shall ensure their interoperability and the compatibility to the IISCC standards.

Article 381

(1) The budget of the Minister of Justice shall provide the funds for setting up, maintaining, operating and developing the IISCC core and for communication of the associated systems with the central components.

(2) The bodies under Article 378, Paragraph 2 shall provide funding from their budgets for setting up, maintaining, using and developing the IISCC internal components.

Article 382

(1) The Minister of Justice, together with the National Institute of Statistics, shall develop and maintain:

1. Nomenclatures and classifications ensuring the terminological, item and nomenclature compatibility of internal databases coming into the scope of the IISCC,

2. Methodology for the statistical processing of criminal process and enforcement of sentences data.

(2) Bodies under Article 378, Paragraph 2 shall make available their internal nomenclatures and classifications required for the operation of the IISCC.

(3) The National Institute of Statistics shall carry out statistical processing of data on sentenced crime at the level of the national IISCC database. The statistical information obtained shall be made available in accordance with the Statistics Act procedure.

Article 383

(1) Methodological guidance with regard to the IISCC shall be provided by an interagency board.

(2) The interagency board shall include representatives of the Chairperson of the Supreme Court of Cassation, of the Chairperson of the Supreme Administrative Court, the Prosecutor General, the Director of the National Investigation Service, the Minister of Interior, the Minister of Defence, the Minister of Justice, the Minister of Finance and of the Chairperson of the National Institute of Statistics.

(3) The chairperson of the interagency board shall be the Minister of Justice.

(4) The business organisation of the interagency board, as well as the procedure and manner of interaction of judicial system bodies and ministries, ensuring the operation of the IISCC, shall be set out in the Ordinance under Article 378, Paragraph 2.

(5) The implementation of resolutions of the interagency board shall be ensured by:

1. The heads of institutions represented on the board,
2. The Minister of Justice - in respect to the courts not represented on the board.

Article 384

(1) The following shall have access of the data contained in the IISCC:

1. Officials who exercise powers in the criminal process and in the enforcement of sentences by virtue of a law,
2. Individuals having the right of access through their belonging to judicial system bodies and to the ministries under Article 378, Paragraph 2,
3. Individuals designated in a resolution of the interagency board.

(2) Access of data contained in the IISCC shall be provided to individuals outside those under Paragraph 1 with written consent of the individual whose data are entered on the national IISCC database.

(3) A public access contour may be opened to the IISCC core to contain data specified by law.

Article 385

(1) Information support for the activities of the Judiciary shall be based on the use of automated information systems approved by the Supreme Judicial Council and the Ministry of Justice.

(2) The setting up, implementation and development of Paragraph 1 systems shall be coordinated by the Minister of Justice and shall be based on:

1. Interagency technological, information and communication standards and methodologies,
2. Information security and exchange rules.

(3) The Ministry of Justice shall carry out the operation of the central system components of the courts.

(4) Paragraph 2 and 3 operations shall take place with the assistance of the Ministry of Finance, the Ministry of Regional Development and Public Works, the National Institute of Statistics and the Bulgarian Institute of Standardisation.

(5) In coordination with the Supreme Judicial Council the Minister of Justice shall issue an Ordinance on the procedure for setting up, implementing, using and developing the automated information systems inside the Judiciary.

Article 386

(1) In coordination with the Supreme Judicial Council and the interagency board the Minister of Justice shall issue an Ordinance on the procedure for maintaining and disseminating the standards under Article 378, Paragraph 3, item 1 and under Article 385, Paragraph 2, item 1.

(2) The standards under Article 385, Paragraph 2, item 1 shall be coordinated with the

standards under Article 378, Paragraph 3, item 1.

(3) The setting up and maintenance of standards shall be assisted by the National Institute of Statistics and the Bulgarian Institute of Standardisation.

(4) Standards shall be disseminated by the Ministry of Justice.

Section IV

Judiciary property management

Article 387

The Minister of Justice shall organise Judiciary property management in respect to real estate and movable property items.

Article 388

(1) The Minister of Justice shall distribute the use of real estates attributed to the Judiciary among its separate bodies and may entrust with their exploitation the administrative heads of these bodies.

(2) Funds for construction and complete refurbishment of real estates, as well as funds for property entailed obligations, i.e. taxes, fees, rent, shall be covered from the budget of the Ministry of Justice.

Article 389

The intended use of real estates attributed for the needs of the Judiciary may not change.

Article 390

(1) The Minister of Justice shall entrust the overall management and exploitation of movable property items with the administrative heads of judicial system bodies.

(2) Funds for Paragraph 1 business shall be provided from the budget of judicial system bodies.

(3) Subject to consent of administrative heads, the Minister of Justice may provide the management of movable property items of one judicial system body to another.

Section V

Security and protection

Article 391

(1) The Ministry of Justice shall provide security and protection through the Security Directorate General.

(2) The Security Directorate General shall:

1. Organise and provide for the security of court buildings;

2. Keep order inside court buildings and ensure the security of judicial system bodies in the discharge of their powers;

3. Organise and provide for the protection of judges, prosecutors, investigating magistrates and protected individuals subject to the terms and procedure set out in a law;

4. Assist judicial system bodies in summoning persons and in the enforcement of acts;

5. Bring individuals by coercion when this has been ruled by a judicial system body;
6. Convoy the accused parties and defendants before court in respect of whom a measure of remand in custody has been requested or ruled, of those serving a sentence in prison to the judicial system bodies, outside the cases falling under the Ministry of Interior Act;
7. Execute the personal order of a prosecutor for the enforcement of effective sentences;
8. Inspect and control the observation of rules and standards of security and safety in the design, construction and exploitation of Judiciary buildings;
9. Coordinate projects and give opinions on the putting in operation of Judiciary buildings with reference to security and safety;
10. For the needs of its business, set up and maintain information bases where information obtained during or on the occasion of the discharge of its functions is collected, processed, stored and used;
11. Obtain information related to the implementation of its functions from the Ministry of Interior.

(3) The rules and standards of safety and security in the design, construction, reconstruction, upgrade and exploitation of Judiciary sites shall be specified in an Ordinance of the Minister of Justice coordinated with the Minister of Regional Development and Public Works.

(4) The type of information under Paragraph 2, item 11 and the procedure for its provision shall be specified in an Ordinance, issued together by the Minister of Justice and the Minister of Interior.

Article 392

In the discharge of their powers, the officers at the Security Directorate General shall be held to respect the dignity of citizens, their rights and legal interests.

Article 393

(1) In the discharge of its powers under Article 391, Paragraph 2 the staff of the Security Directorate General shall have the rights and duties under Articles 56, 57, 61, 63 - 67, 72, 73, and 74, Paragraphs 1 and 2 of the Ministry of Interior Act.

(2) The provisions of Article 20 - 20e of the Implementation of Penal Sanctions Act shall apply to the staff of the Security Directorate General.

Article 394

Citizens and officials shall be held to provide assistance to the officers of the Security Directorate General in the discharge of their duties, providing them, among others, with information and documents, subject to keeping state, official and commercial, as well as personal information secrecy.

Chapter twenty-one

Expert witnesses

Article 395

(1) An expert witness shall carry out expert assessments.

(2) All state bodies, moral persons and citizens having materials required for an expert

assessment shall be held to provide access thereof to the expert witness concerned in accordance with the level of access to classified information of the expert witness, as well as to provide the assistance required for the attainment of the expert assessment objectives.

Article 396

(1) An expert witness shall be appointed by the body which has assigned an expert assessment, based on the principle of random selection on the respective list of specialists approved to serve as expert witnesses.

(2) Where needed, a specialist who is not on the respective list, may also be appointed as expert witness.

(3) In the event of complex or large-scale research, the body concerned may appoint more than one expert witness.

(4) In the discharge of its functions, the expert witness shall be identified by a certificate issued by the body which has assigned the expert assessment.

Article 397

No expert witness who is interested in the outcome of the proceedings or has relations with any of the parties to a case that give rise to justified doubts in his impartiality may be appointed to carry out an expert assessment.

Article 398

(1) Lists of specialists approved to become expert witnesses shall be drawn up in the judicial area of each district and administrative court.

(2) The Supreme Court of Cassation, the Supreme Administrative Court, the Supreme Prosecution Office of Cassation, the Supreme Administrative Prosecution Office and the National Investigation Service shall approve separate lists for the needs of their business, if so required.

(3) Where the needs of a particular judicial system body so require, it may appoint an expert witness on a list in another judicial area.

(4) The Paragraph 1 and 2 lists shall be public.

Article 399

(1) Ministries, agencies, establishments, municipalities, professional and other organisations and scientific institutes shall make proposals for the inclusion of specialists on the lists of expert witnesses.

(2) Specialists themselves can also make proposals for the inclusion on the lists of expert witnesses.

(3) Proposals for inclusion on the lists under Article 398, Paragraph 1 shall be made to the chairperson of the respective district or administrative court.

(4) Proposals for inclusion on the lists under Article 398, Paragraph 2 shall be made to each administrative head of the judicial system body concerned.

Article 400

(1) The proposals shall set out in writing the full name of the specialist, his home address, contact phone and data about his education, work place, position held, length of service record, his record as expert witness and his additional qualifications.

(2) Circumstances under Paragraph 1 shall be verified on the basis of appropriate documentation attached to the proposal.

Article 401

(1) Lists under Article 398, Paragraph 1 shall be endorsed by a commission composed of the chairperson of the appellate court or a judge thereby designated, the appellate prosecutor or a prosecutor thereby designated, the chairperson of the district court, the district prosecutor, the chairperson of the administrative court and the director of the district investigation service.

(2) Lists under Article 398, Paragraph 2 shall be endorsed by a commission composed of the Chairperson of the Supreme Court of Cassation, the Chairperson of the Supreme Administrative Court, the Prosecutor General and the Director of the National Investigation Service.

(3) The endorsed lists shall be sent to the Minister of Justice for publication in the State Gazette and on the Internet.

Article 402

(1) Proposals for modifications and additions to the endorsed lists of expert witnesses shall be made until the end of September of the respective calendar year.

(2) By the end of October commissions under Article 401, Paragraphs 1 and 2 shall update the lists,

(3) By 15 November the lists shall be sent to the Minister of Justice for publication in the State Gazette and on the Internet.

(4) The lists may also be modified in the course of the current year.

Article 403

(1) The Supreme Judicial Council shall adopt an Ordinance concerning:

1. The procedure and terms for making proposals for inclusion and for modification of the lists of specialists approved to serve as expert witnesses,

2. The conditions that the specialists approved as expert witnesses must fulfil,

3. The terms and procedure for calculating the remuneration of expert witnesses.

(2) This Ordinance shall be published in the State Gazette.

Chapter twenty-two

Penal administrative provisions

Article 404

(1) The head of a state or municipal administration, of an organisation or an employer who does not allow official leave from work to an individual summonsed to appear as a court assessor or who obstructs his appearance at court proceedings shall be sanctioned by a fine of BGN 300 to 600.

(2) The fine shall be imposed by the chairperson of the court and may be repealed in pursuance of the Civil Procedure Code.

Article 405

(1) Anyone failing to execute the personal order of a judge, prosecutor, investigating magistrate, state enforcement agent or recordation judge issued in accordance with the procedure established hereunder, shall be sanctioned by a fine of BGN 50 to 2,000, unless subject to a more severe sanction.

(2) A fine shall be imposed by personal order or decree after the individual has been given the opportunity to provide explanations in relation to the offence.

(3) The judge, prosecutor, investigating magistrate, state enforcement agent or recordation judge who has imposed the sanction may repeal or reduce the fine following appeal by the sanctioned individual filed within 7 days of notification.

(4) The decision or decree with regard to the appeal shall not be subject to appeal.

Article 406

Anyone failing to execute a personal order of an officer with the Security Directorate General of the Ministry of Justice issued in implementation of the latter's functions shall be sanctioned by a fine of BGN 50 to 2,000.

Article 407

The heads of state bodies and of moral persons, as well as the citizens, who have guiltily failed to fulfil their obligations under Article 394 shall be sanctioned by a fine of BGN 200 to 3,000.

Article 408

(1) The act establishing the presence of a violation under Article 406 or 407 shall be drawn up by an officer of the Security Directorate General.

(2) The penal decree shall be issued by the Minister of Justice or an official thereby authorised.

(3) The establishment of the presence of violations, the issuance, appeal from and enforcement of penal decrees shall occur in pursuance of the procedure under the Administrative Violations and Sanctions Act.

Article 409

Revenues from fines imposed by penal decrees hereunder shall enter the Judiciary budget.

TRANSITIONAL AND FINAL PROVISIONS

§ 1. The Judicial System Act (Promulgated, SG, No. 59/1994, No. 78/1994 - Judgement No. 8/1994 of the Constitutional court, SG No. 87/1994 - Judgement No. 9/1994 of the Constitutional court, SG No. No. 93/1995 - Judgement No. 17/1995 of the Constitutional court; amended, No. 64/1996, No. 96/1996 - Judgement No. 19/1996 of the Constitutional court from; amended, No. 104 and 110/1996, No. 58, 122 and 124/1997, No. 11 and 133/1998, No. 6/1999 - Judgement No. 1/1999 of the Constitutional court; amended, No. 34, 38 and 84/2000, No. 25/2001, No. 74/2002, No. 110/2002 - Judgement No. 11/2002 of the Constitutional court, No. 118/2002 - Judgement No. 13/2002 of the Constitutional court; amended, No. 61 and 112/2003, No. 29, 36 and 70/2004, No. 93/2004 - Judgement No. 4/2004 of the Constitutional court, No. 37/2005 - Judgement No. 4/2005 of the Constitutional court; amended, No. 43 and 86/2005, No. 17/2006, No. 23/2006 - Judgement No. 1/2006 of the Constitutional court, No. 30 and 39/2006) shall be repealed.

§ 2. (1) The assemblies under Article 21 and the assembly under Article 23, Paragraph 3 shall be held no later than 5 September 2007.

(2) The assemblies under Article 21 or the assembly under Article 23, Paragraph 3, which

have not taken place within the term under Paragraph 1, shall be convoked by the Minister of Justice and shall be held no later than 15 September 2007.

§ 3. (1) The assemblies under Article 23, Paragraphs 1 and 2 shall be held no later than 21 September 2007.

(2) The assemblies that have not taken place within the term under Paragraph 1, shall be convoked by the Minister of Justice and shall be held no later than 28 September 2007.

§ 4. The National Assembly shall elect the Supreme Judicial Council members from its quota no later than 28 September 2007.

§ 5. (1) The newly elected Supreme Judicial Council shall be deemed constituted once members who form two-thirds of its composition, including those ex lege, have been elected.

(2) The business of the hitherto Supreme Judicial Council shall terminate upon the constitution of the newly elected Supreme Judicial Council in pursuance of the procedure hereunder.

§ 6. Pending proceedings before the Supreme Administrative Court on appeals from resolutions of the Supreme Judicial Council shall be completed in accordance with the hitherto procedure.

§ 7. (1) Nominations for Inspector General and for inspectors of the Inspectorate at the Supreme Judicial Council shall be made until 15 October 2007.

(2) The Inspector General and inspectors shall enter office within one month of their election.

(3) The Inspector General and the inspectors shall vacate the positions held by them and cease any business under Article 18 prior to entering office, notifying thereof the Speaker of the National Assembly.

§ 8. Any judges in district courts, prosecutors in district prosecution offices, judges in administrative courts, judges in appellate courts and prosecutors in appellate prosecution offices, falling short of the requirements under Article 164, Paragraphs 2, 3 and 4, shall keep the positions they hold.

§ 9. Within three months of the entry into force hereof, the Council of Ministers shall provide work premises for the business of the Inspectorate at the Supreme Judicial Council.

§ 10. Chairpersons of division at the Supreme Court of Cassation and at the Supreme Administrative Court, heads of department at the Supreme Prosecution Office of Cassation and at the Supreme Administrative Prosecution Office, as well as heads of department at the National Investigation Service, shall keep the amount of remuneration they have received until the entry into force hereof.

§ 11. (1) Years in service as arbitrator under the repealed State Arbitration Act shall also count as service record in the capacity of judge under Article 164, Paragraphs 1 - 5.

(2) Years in service of any judges found in international courts set up on the basis of an international treaty to which the Republic of Bulgaria is a party or within the framework of an international organisation of which the Republic of Bulgaria is a member that have been designated by the Republic of Bulgaria shall also count as service record in the capacity of judge under Article 164, Paragraphs 1 - 5.

§ 12. Competitions for judges, prosecutors, investigating magistrates, state enforcement agents and recordation judges scheduled before the entry into force hereof shall take place in accordance with the hitherto procedure.

§ 13. The additional remuneration for extended work of the judges, prosecutors and investigating magistrates which before the entry into force hereof has exceeded 40 percent, shall be kept at the amount set and may not be increased.

§ 14. The provisions of the Republic of Bulgaria Defence and Armed Forces Act shall apply to military judges, military prosecutors and military investigating magistrates, the years in service in the system of the Ministry of Interior counting as permanent military service.

§ 15. Pending disciplinary proceedings as of the entry into force hereof shall be examined in accordance with the hitherto procedure and shall be completed before 31 December 2007. The expiry of this term shall not constitute grounds for liability ceasing to exist.

§ 16. The three-year period for entry in office shall apply to any found junior judges, junior prosecutors and junior investigating magistrates.

§ 17. (1) The term under Article 374, Paragraph 2 shall start running for the court inspectors found from the date of their last appointment.

(2) Until election of an Inspector General and of inspectors of the Inspectorate at the Supreme Judicial Council, the Inspectorate with the Minister of Justice shall continue exercising its powers under Article 35b, Paragraph 1, items 1 and 2 of the repealed Judicial System Act.

§ 18. Service record as judicial candidate or trainee lawyer shall also count as labour service record, provided that service is done after the higher education state examinations in the speciality area of law.

§ 19. Chapter sixteen of the Administrative Procedure Code (SG, No. 30 from 2006), with Article 258 - 266, shall be repealed.

§ 20. In the Criminal Code (published, SG, No. 26/1968; corrected, No. 29/1968; amended, No. 92/1969, No. 26 and 27/1973, No. 89/1974, No. 95/1975, No. 3/1977, No. 54/1978, No. 89/1979, No. 28/1982; corrected, No. 31/1982; amended, No. 44/1984, No. 41 and 79/1985; corrected, No. 80/1985; amended, No. 89/1986; corrected, No. 90/1986; amended, No. 37, 91 and 99/1989, No. 10, 31 and 81/1990, No. 1 and 86/1991; corrected, No. 90/1991; amended, No. 105/1991, No. 54/1992, No. 10/1993, No. 50/1995, No. 97/1995 - Judgement No. 19/1995 of the Constitutional court; amended, No. 102/1995, No. 107/1996, No. 62 and 85/1997, No. 120/1997 - Judgement No. 19/1997 of the Constitutional court; amended, No. 83, 85, 132, 133 and 153/1998, No. 7, 51 and 81/1999, No. 21 and 51/2000, No. 98/2000 - Judgement No. 14/2000 of the Constitutional court; amended, No. 41 and 101/2001, No. 45 and 92/2002, No. 26 and 103/2004, No. 24, 43, 76, 86 and 88/2005, No. 59, 75 and 102/2006, No. 38 and 57/2007) the words "assistant enforcement agent" shall everywhere be replaced by "assistant private enforcement agent".

§ 21. In the Social Insurance Code (published, SG, No. 110/1999, No. 55/2000 - Judgement No. 5/2000 of the Constitutional court of the Republic of Bulgaria; amended, No. 64/2000, No. 1, 35 and 41/2001, No. 1, 10, 45, 74, 112, 119 and 120/2002, No. 8, 42, 67, 95, 112 and 114/2003, No. 12, 38, 52, 53, 69, 70, 112 and 115/2004, No. 38, 39, 76, 102, 103, 104 and 105/2005, No. 17, 30, 34, 56, 57, 59, 68, 82, 95, 102 and 105/2006, No. 41 and 52/2007) the following amendments shall be made:

1. In Article 54b, Paragraph 3 the words "Article 131, Paragraph 1, items 2, 3 and 6 and Article 152, Paragraph 1, items 2, 3 and 4" shall be replaced by "Article 165, Paragraph 1, items 2, 3 and 5 and Article 271, items 2, 3 and 5".

2. In Article 54f, Paragraph 1 the words "Article 139e" shall be replaced by "Article 226".

3. In Article 69, Paragraph 2 the words "Article 36e" shall be replaced by "Article 391".

4. In Article 230, Paragraph 3, item 3, littera "b" the words "bailiffs" shall be replaced by "state enforcement agents".

5. In Article 262, Paragraph 1, item 3 the words "bailiffs" shall be replaced by "state enforcement agents".

6. In Article 282, Paragraph 1, item 3, littera "b" the words "bailiffs" shall be replaced by "state enforcement agents".

7. In Article 287, Paragraph 2 the words "Article 131, Paragraph 1, items 2, 3 and 6 and Article 152, Paragraph 1, items 2, 3 and 4" shall be replaced by "Article 165, Paragraph 1, items

2, 3 and 5 and Article 271, items 2, 3 and 5".

§ 22. In the Public Financial Inspection Act (published, SG, No. 33/2006; amended, No. 59/2006) in Article 5, item 5 the words "Article 119" shall be replaced by "Article 145".

§ 23. In the Civil Servants Act (published, SG, No. 67/1999; amended, No. 1/2000, No. 25, 99 and 110/2001, No. 45/2002, No. 95/2003, No. 70/2004, No. 19/2005, No. 24, 30 and 102/2006, No. 59/2007) in § 2, Paragraph 3 from the transitional and final provisions the words "Article 127, Paragraphs 1 - 4" shall be replaced by "Article 164, Paragraph 1 - 5".

§ 24. In the Consumer Protection Act (published, SG, No. 99/2005; amended, No. 30, 51, 53, 59, 105 and 108/2006, No. 31, 41 and 59/2007) in Article 226, Paragraph 2 the words "Article 201" shall be replaced by "Article 405".

§ 25. In the Ministry of Interior Act (published, SG, No. 17/2006; amended, No. 30, 102 and 105/2006, No. 11, 31, 41, 46 and 57/2007) the following amendments and supplements shall be made:

1. In Article 212, Paragraph 1, item 10 the words "Article 163" shall be replaced by "Article 294".

2. In Article 219, Paragraph 2 the word "regional" shall be deleted, and the words "Article 118a, Paragraph 3" shall be replaced by "Article 144, Paragraph 3".

3. In Article 220 the word "regional" shall be deleted and in the end "under Article 144, Paragraph 3 from the Judiciary System Act" shall be added.

§ 26. In the Notaries and Notarial Practice Act (Published, SG, No. 104/1996; amended, No. 117, 118 and 123/1997, No. 24/1998, No. 69/1999, No. 18/2003, No. 29 and 36/2004, No. 19 and 43/2005, No. 30, 39 and 41/2006, No. 59/2007) the following amendments and supplements shall be made:

1. In Article 8, Paragraph 2 the words "assistant enforcement agents" shall be replaced by "assistant private enforcement agent".

2. In Article 80b, Paragraph 1 a second sentence shall be inserted: "The Minister of Justice shall assign joint inspections to the inspectors of the Inspectorate with the Minister of Justice under the Judiciary System Act and to the inspector notaries public under Article 80c, Paragraph 4."

3. In Article 80c, Paragraph 1 shall be repealed.

§ 27. In the Income Taxes on Natural Persons Act (published, SG, No. 95/2006; amended, No. 52/2007) the following amendments and supplements shall be made:

1. In Article 24, Paragraph 2, item 8 the words "Article 139d, Article 139f, Paragraph 1, items 1 and 2, Article 157a, Paragraph 3 and Article 188o" shall be replaced by "Article 225, Article 277, Paragraph 3 and Article 354".

2. In the additional provisions, in § 1, item 26, littera "c", after the words "the Supreme Judicial Council", "the Inspector General and the inspectors of the Inspectorate at the Supreme Judicial Council " shall be added.

§ 28. In the National Audit Office Act (published, SG, No. 109/2001; amended, No. 45/2002, No. 31/2003, No. 38/2004, No. 34 and 105/2005, No. 24, 27, 33 and 37/2006) in Article 27, Paragraph 4 the words "Article 127, Paragraph 1 - 4" shall be replaced by "Article 164, Paragraphs 1 - 5".

§ 29. In the Private Enforcement Agents Act (published, SG, No. 43/2005; amended, No. 39/2006, No. 31 and 59/2007) the following amendments and supplements shall be made:

1. In Article 75, Paragraph 1, item 1 shall be amended as follows:

"1. Inspectors of the Inspectorate with the Minister of Justice under the Judiciary System Act;"

2. The words "assistant enforcement agent", "assistant enforcement agents", "the assistant enforcement agents", "the assistant enforcement agent" and "an assistant enforcement agent" shall everywhere be correspondingly replaced by "assistant private enforcement agent", "assistant private enforcement agents", "the assistant private enforcement agents", "the assistant private enforcement agent " and "an assistant private enforcement agent".

§ 30. (1) Secondary legal instruments issued for the application and on the basis of the repealed Judicial System Act shall apply until the issuance of the corresponding new secondary legal instruments, insofar as they do not stand in contradiction herewith.

(2) Secondary legal instruments for the application hereof shall be adopted or issued until 31 December 2007.

(3) The Inspectorate at the Supreme Judicial Council shall adopt the Regulations under Article 55, Paragraph 4 within one month of the election of the Inspectorate General and of inspectors.

(4) Within up to three months of the entry into force hereof, the Council of Ministers shall adopt the Ordinance under Article 378, Paragraph 2.

(5) The Minister of Justice shall issue:

1. The Ordinance under Article 385, Paragraph 5 within up to three months of the entry into force hereof,

2. The Ordinance under Article 386, Paragraph 1 within up to 6 months of the entry into force hereof.

This Act was adopted by the 40th National Assembly on 24 July 2007 and the official seal thereof is affixed hereunder.