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**Opinion No. 968 / 2019**

Or. Engl.

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**BULGARIA**

**JUDICIARY SYSTEM ACT (\*)**

**(\*) Unofficial translation**

# Judiciary System Act

Promulgated, SG No. 64/7.08.2007, amended, SG No. 69/5.08.2008, amended and supplemented, SG No. 109/23.12.2008, supplemented, SG No. 25/3.04.2009, effective 3.04.2009, amended and supplemented, SG No. 33/30.04.2009, SG No. 42/5.06.2009, SG No. 102/22.12.2009, effective 22.12.2009, amended and supplemented, SG No. 103/29.12.2009, effective 29.12.2009, supplemented, SG No. 59/31.07.2010, effective 1.01.2011, amended and supplemented, SG No. 1/4.01.2011, effective 4.01.2011, amended, SG No. 23/22.03.2011, effective 22.03.2011, amended and supplemented, SG No. 32/19.04.2011, effective 19.04.2011, SG No. 45/14.06.2011, effective 14.06.2011, supplemented, SG No. 81/18.10.2011, amended and supplemented, SG No. 82/21.10.2011, effective 1.01.2012; amended with Judgment No. 10 of the Constitutional Court of the Republic of Bulgaria - SG No. 93/25.11.2011; amended, SG No. 20/9.03.2012, effective 10.06.2012, amended and supplemented, SG No. 50/3.07.2012, amended, SG No. 81/23.10.2012, effective 1.09.2012, SG No. 15/15.02.2013, effective 1.01.2014, SG No. 17/21.02.2013, SG No. 30/26.03.2013, effective 26.03.2013, supplemented, SG No. 52/14.06.2013, effective 14.06.2013, amended, SG No. 66/26.07.2013, effective 26.07.2013, supplemented, SG No. 70/9.08.2013, effective 9.08.2013, amended, SG No. 71/13.08.2013, effective 13.08.2013, SG No. 19/5.03.2014, effective 5.03.2014, amended and supplemented, SG No. 21/8.03.2014, amended, SG No. 53/27.06.2014, SG No. 98/28.11.2014, effective 28.11.2014, SG No. 107/24.12.2014, effective 1.01.2015, SG No. 14/20.02.2015, amended and supplemented, SG No. 28/8.04.2016, amended, SG No. 39/26.05.2016, effective 26.05.2016, SG No. 50/1.07.2016, effective 1.07.2016, amended and supplemented, SG No. 62/9.08.2016, effective 9.08.2016, SG No. 76/30.09.2016, effective 9.08.2016, amended, SG No. 13/7.02.2017; Judgment No. 1 of the Constitutional Court of the Republic of Bulgaria - SG No. 14/10.02.2017; supplemented, SG No. 63/4.08.2017, effective 5.11.2017, amended and supplemented, SG No. 65/11.08.2017, amended, SG No. 85/24.10.2017, amended and supplemented, SG No. 90/10.11.2017, SG No. 103/28.12.2017, effective 1.01.2018, SG No. 7/19.01.2018, amended, SG No. 15/16.02.2018, effective 16.02.2018, amended and supplemented, SG No. 49/12.06.2018, SG No. 77/18.09.2018, effective 1.01.2019, SG No. 17/26.02.2019; amended with Judgment No. 2 of the Constitutional Court of the Republic of Bulgaria of 21.02.2019 - SG No. 19/5.03.2019; amended and supplemented, SG No. 29/8.04.2019

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**\*Note:** An update of the English text of this Act is being prepared following the amendments in SG No. 64/13.08.2019, effective 13.08.2019

Text in Bulgarian: *Çàêî çà ñúääáíàòà àèàòò*

## Chapter One GENERAL PROVISIONS

### Article 1

This Act shall regulate the organisation and the principles of operation of the judicial

system bodies and the interaction among them, as well as the interaction between the judicial authorities and the legislative and executive authorities.

**Article 1a**

(New, SG No. 28/2016)

(1) The judiciary shall be a branch of government which protects the rights and legitimate interests of citizens, legal persons and the State.

(2) The Judiciary shall be independent.

(3) Justice shall be administered in the name of the people.

**Article 2**

The judicial authorities shall be guided by the Constitution and by the principles established in this Act.

**Article 3**

In rendering their instruments, judges, prosecutors and investigating magistrates shall be guided by the law and the evidence taken in the case.

**Article 4**

The judicial authorities shall discharge the functions thereof impartially.

**Article 5**

(1) Citizens and legal persons shall have the right to obtain information about the work of the Judiciary.

(2) The judicial authorities shall be bound to ensure openness, accessibility and transparency in their actions according to the procedure established by this Act and by the procedural laws.

(3) For the purpose of providing comprehensive and full protection of the rights of citizens and legal persons and for the purpose of implementing the penal policy of the State, the judicial authorities shall interact with the legislative and executive authorities.

**Article 6**

Judges, prosecutors and investigating magistrates shall be politically neutral when they act.

**Article 7**

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

(2) Citizens and legal persons shall have the right to legal remedy which may not be denied to them.

(3) Under the terms and according to a procedure established by law, citizens may obtain legal aid, which shall be financed by the State.

**Article 8**

(1) The judicial authorities shall apply the laws accurately and uniformly in respect of all

persons and cases to which such laws apply.

(2) No limitation of rights or privileges based on race, nationality, ethnicity, sex, origin, religion, education, convictions, political affiliation, personal and social status or property status shall be allowed in the discharge of functions of the Judiciary, as well as in occupying positions in the judicial authorities.

#### **Article 9**

(1) Cases and case files shall be distributed in the judicial authorities on the basis of the random selection principle through electronic assignment in the order of their receipt.

(2) (Supplemented, SG No. 109/2008, amended, SG No. 1/2011, effective 4.01.2011) The random selection principle for the distribution of cases shall apply at the courts within colleges or divisions and at the prosecution offices and the National Investigation Service within departments.

#### **Article 10**

(1) Judicial proceedings in civil and criminal matters shall be conducted in three instances: first, appellate and cassation instance, unless otherwise provided for by law.

(2) Judicial proceedings in administrative matters shall be conducted in two instances: first and cassation instance.

(3) Judicial instruments that have become enforceable shall be reversed solely in the cases provided for by law.

#### **Article 11**

(1) An upper instance shall review the instruments of a lower instance solely in the cases and according to 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) The judicial authorities shall be bound 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 the judicial authorities 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**

#### **Supreme Judicial Council: Legal Status and Composition**

#### **Article 16**

(Amended, SG No. 28/2016)

(1) The Supreme Judicial Council shall represent the judiciary, shall ensure and stand up for the independence thereof, shall designate the complement and working arrangements of the courts, prosecution offices and investigating authorities, and shall provide financial and technical support for the operation thereof without interfering in the implementation of the said operation.

(2) The Supreme Judicial Council shall be a standing body, a legal person seated in Sofia. It shall be represented by one of its elective members, designated by decision of the Plenum of the Supreme Judicial Council.

(3) The National Assembly shall elect eleven members of the Supreme Judicial Council, of whom six for the Judges Chamber and five for the Prosecutors Chamber. The election by chamber shall be held from among judges, prosecutors, investigating magistrates, academic-degree-holding scholars in legal sciences, lawyers and other jurists of high professional standing and moral integrity, taking into account their professional qualification and specialisation.

(4) Judges shall elect from among their number six members of the Supreme Judicial Council for the Judges Chamber. Prosecutors shall elect from among their number four members of the Supreme Judicial Council for the Prosecutors Chamber. Investigating magistrates shall elect from among their number one member of the Supreme Judicial Council for the Prosecutors Chamber.

(5) 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) (New, SG No. 1/4.01.2011, effective 4.01.2011) Jurists of high professional standing and moral integrity who have practised law for at least 15 years shall be elected members of the Supreme Judicial Council.

(2) (Renumbered from Paragraph 1, supplemented, SG No. 1/2011, effective 4.01.2011, repealed, SG No. 28/2016).

(3) (Renumbered from Paragraph 2, supplemented, SG No. 1/2011, effective 4.01.2011, repealed, SG No. 28/2016).

### **Article 18**

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

1. be a National Representative, a mayor or municipal councillor;
2. (supplemented, SG No. 28/2016) hold a position at other State or municipal authorities;
3. (supplemented, SG No. 33/2009) carry on business or be a partner, manager or member of supervisory, management boards or boards of directors or on control bodies of commercial corporations, cooperatives or non-profit legal entities that carry on business, with the exception of those of professional associations of judges, prosecutors and investigating magistrates;
4. (supplemented, SG No. 33/2009, amended and supplemented, SG No. 62/2016, effective 9.08.2016) 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, non-profit legal entity, a natural person or sole trader, with the exception of research and teaching or the exercise of copyright, as well as for participation in international projects, including ones funded by the European Union;
5. practise a liberal profession or another remunerative professional activity;
6. be a member of political parties or coalitions, of organisations pursuing political purposes, carry out political activity, as well as be a member of any organisations or carry out any activities interfering with his or her independence;
7. be a member of trade union organisations outside the Judiciary system;
8. has been convicted for a serious criminal offence, notwithstanding any subsequent rehabilitation, or has been released from criminal responsibility for an intentional offence;
9. be a spouse, a lineal relative, a collateral relative up to the fourth degree of consanguinity, or an affine up to the third degree of affinity inclusive, or a *de facto* cohabitant with another member of the Supreme Judicial Council, with an administrative head of a judicial authority, or with the Minister of Justice;
10. (new, SG No. 103/2009, effective 29.12.2009) be an elective member of the Supreme Judicial Council who has been released from office on disciplinary grounds;
11. (new, SG No. 62/2016, effective 9.08.2016) be a person in respect of whom a conflict of interest has been ascertained by an enforceable decision less than one year prior to the election.

(2) An elective member shall be released by the Supreme Judicial Council where the said member fails to vacate office or to discontinue the activity under Paragraph (1) within one month from the election.

### **Article 19**

(Supplemented, SG No. 1/2011, effective 4.01.2011, amended, SG No. 50/2012)

(1) The National Assembly shall elect members of the Supreme Judicial Council not later than one month prior to the expiry of the term of office of the elective members.

(2) Nominations of candidates for elective members of the Supreme Judicial Council shall be examined by the specialised standing committee of the National Assembly.

(3) (New, SG No. 103/2017, effective 1.01.2018) The circumstances under Article 18,

Paragraph 1, item 8 shall be established ex officio by the administration of the National Assembly.

(4) (Amended, SG No. 28/2016, renumbered from Paragraph 3, SG No. 103/2017, effective 1.01.2018) Candidates for members of the Supreme Judicial Council to be elected by the National Assembly shall be nominated by the National Representatives to the committee under Paragraph 2 not later than two months prior to the conduct of the election. Any such nominations shall be accompanied by:

1. detailed reasons in writing on the professional standing and moral integrity of the candidates, including opinions expressed by professional, academic and other organisations;

2. documentary proof of graduation in Law from a higher educational establishment, documents related to the incompatibility requirements, as well as documents on the length of practising law and the career development of the candidate.

(5) (Amended, SG No. 28/2016, renumbered from Paragraph 4, SG No. 103/2017, effective 1.01.2018) The candidates shall be nominated after obtaining the written consent of each candidate.

(6) (Renumbered from Paragraph 5, amended, SG No. 103/2017, effective 1.01.2018) The nominations together with detailed curriculum vitae of the candidates and the documents under Paragraph 4 shall be published on the website of the National Assembly within three working days from the date of receipt. The name and reasons of the National Representative who has nominated the respective candidate shall be published as well.

(7) (Renumbered from Paragraph 6, amended, SG No. 103/2017, effective 1.01.2018, SG No. 17/2019) The nominations and documents referred to in Paragraph (4) shall be published in accordance with the requirements for the protection of personal data and the Classified Information Protection Act.

### **Article 19a**

(New, SG No. 50/2012)

(1) (Amended, SG No. 28/2016, SG No. 7/2018) Within 14 days from the publication of the nominations, each candidate shall submit to the committee preparing the election a written concept on his or her work as member of the Supreme Judicial Council. Within the same time limit, candidates for members of the Supreme Judicial Council shall also submit a declaration disclosing their financial interests and the origin of the funds on which the property thereof has been acquired, as well as a declaration on the existence of a private interest within the meaning of Article 52 of the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Act, based on a standard form proposed by the committee and by the Plenum of the Supreme Judicial Council and endorsed by the Minister of Justice. All concepts and declarations shall be published within three working days from the expiry of the time limit under sentence one on the website of the National Assembly.

(2) Not later than seven days prior to the hearing, non-profit legal entities registered for the pursuit of public benefit activities, higher educational establishments and scientific organisations may submit opinions about a candidate to the commission, including questions to be put to the said candidate. Anonymous opinions and alerts shall be ignored. The opinions and questions as submitted shall be published on the website of the National Assembly within three days from the submission thereof. Specific data constituting classified information, as well as facts related to candidates' private life, shall not be published.

(3) (Amended, SG No. 28/2016) The committee shall hear each candidate who shall

present thereto the concept under Paragraph (1). The hearing shall be scheduled and announced by the committee not later than one month prior to the scheduled hearing date. The hearing shall be conducted at a public meeting of the committee not later than 14 days before the conduct of the election. A full verbatim record of proceedings shall be drawn up for the hearing and shall be published on the website of the National Assembly. Considering the opinions received under Paragraph (2), the members of the committee may also require additional documents which the candidates must submit.

(4) (Supplemented, SG No. 28/2016) The committee shall prepare a detailed and reasoned report on the professional standing and moral integrity of the candidates, thereby moving the nominations for a debate and taking a vote at the National Assembly. The said report shall include an opinion on the performance of the candidate, prepared after his or her hearing by the committee, and a conclusion on:

1. the minimum legal requirements to occupy the position;
2. the existence of data that call into question the candidate's moral integrity, qualification, experience and professional standing;
3. the specific background, qualities and motivation for the post concerned;
4. the public reputation of the candidate and the public support for him or her.

(5) The report shall be published on the website of the National Assembly.

#### **Article 19b**

(New, SG No. 50/2012, supplemented, SG No. 28/2016)

The National Assembly shall elect each member of the Supreme Judicial Council separately, by a majority of two-thirds of the National Representatives.

#### **Article 20**

(Amended, SG No. 50/2012, SG No. 28/2016)

(1) The judicial authorities shall elect members of the Supreme Judicial Council by chamber not later than one month before the expiry of the term of office of the elective members.

(2) The members of Supreme Judicial Council of the Judiciary quota shall be elected directly by secret ballot by the judges, by the prosecutors and by the investigating magistrates, respectively, according to the procedure established by Section Ia.

#### **Article 21**

(Amended, SG No. 50/2012, repealed, SG No. 28/2016).

#### **Article 21a**

(New, SG No. 50/2012, repealed, SG No. 28/2016).

#### **Article 21b**

(New, SG No. 50/2012, repealed, SG No. 28/2016).

#### **Article 22**

(Amended, SG No. 50/2012, repealed, SG No. 28/2016).

**Article 22a**

(New, SG No. 50/2012, repealed, SG No. 28/2016).

**Article 23**

(Amended and supplemented, SG No. 50/2012, repealed, SG No. 28/2016).

**Article 24**

(Amended, SG No. 50/2012, repealed, SG No. 28/2016).

**Article 25**

(Repealed, SG No. 28/2016).

**Article 26**

(Repealed, SG No. 28/2016).

**Article 26a**

(New, SG No. 1/2011, effective 4.01.2011; declared unconstitutional with Judgment No. 10 of the Constitutional Court of the Republic of Bulgaria, SG No. 93/2011)

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(1) The members of the Supreme Judicial Council shall take the appropriate action to obtain access to classified information.

(2) A member of the Supreme Judicial Council who has not been cleared for access may not participate in meetings when materials and documents containing classified information are discussed and may not familiarize himself/herself with them.

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**Article 27**

(1) An elective member of the Supreme Judicial Council shall be released prior to the expiry of the term of office thereof on the grounds under Article 130 (8) of the Constitution of the Republic of Bulgaria, as well upon establishing incompatibility with the positions or activities under Article 18 (1).

(2) (Amended, SG No. 28/2016) In the cases under Item 1 of Article 130 (8) of the Constitution of the Republic of Bulgaria, the Supreme Judicial Council shall announce the resignation tendered by an elective member at its first session after the submission of the said resignation.

(3) (New, SG No. 103/2009, effective 29.12.2009) The credentials of an elective member of the Supreme Judicial Council may not be terminated early by reason of a resignation tendered pursuant to Item 1 of Article 130 (8) of the Constitution of the Republic of Bulgaria if disciplinary proceedings have been instituted against this member for the imposition of a sanction of release from office on disciplinary grounds under Article 308 (3), until the close of the proceedings.

(4) (Renumbered from paragraph 3, amended, SG No. 103/2009, effective 29.12.2009, SG No. 28/2016, supplemented, SG No. 62/2016, effective 9.08.2016) The proceedings for early termination of the credentials on the grounds under Items 2 to 4 of Article 130 (8) of the

Constitution of the Republic of Bulgaria or upon establishing incompatibility of an elective member of the Supreme Judicial Council shall be initiated on a motion by at least five members of the Plenum of the Supreme Judicial Council or by three of the members of the respective chamber.

(5) (Renumbered from paragraph 4, amended, SG No. 103/2009, effective 29.12.2009) The procedure for early release on the grounds under Items 2 to 4 of Article 130 (8) of the Constitution of the Republic of Bulgaria or upon establishing incompatibility of an elective member of the Supreme Judicial Council elected by the National Assembly may also commence on a motion by one-fifth of the National Representatives.

(6) (Renumbered from paragraph 5, amended, SG No. 103/2009, effective 29.12.2009, SG No. 28/2016) The procedure for early release from office on the grounds under Items 2 to 4 of Article 130 (8) of the Constitution of the Republic of Bulgaria or upon establishing incompatibility of an elective member of the Supreme Judicial Council elected by the judges, prosecutors or investigating magistrates may commence on a motion by one-fifth of the sitting judges, prosecutors or investigating magistrates, respectively.

(7) (New, SG No. 28/2016) The decision of the Plenum of the Supreme Judicial Council on the early termination of the credentials of a member thereof shall be decreed within one month from the receipt of the motion under Paragraph (4), (5) or (6) and shall be adopted by a majority of not less than seventeen votes.

#### **Article 28**

(Amended, SG No. 1/2011, effective 4.01.2011, SG No. 62/2016, effective 9.08.2016)

(1) (Supplemented, SG No. 65/2017) Upon the expiry of the term of office or the early termination of the credentials pursuant to Item 1 of Article 130 (8) of the Constitution of the Republic of Bulgaria, an elective member of the Supreme Judicial Council, who has submitted a request to the respective chamber within 14 days from the day of expiry of the term of office or early termination of the credentials, shall be reinstated to the position of judge, prosecutor or investigating magistrate held prior to the election or to a position of an equal degree in the judicial authorities, and the time spent thereby as a member of the Supreme Judicial Council shall count as service record under Article 164 (1) to (7).

(2) Within one month from the reinstatement to the position under Paragraph (1), the members of the Supreme Judicial Council whose term of office has expired or whose credentials have been terminated early shall receive an evaluation of the performance thereof according to a methodology adopted by the Plenum of the Supreme Judicial Council. The said evaluation shall become part of the appraisal in a magistrate capacity before the entry into office thereof as member of the Supreme Judicial Council.

#### **Article 29**

(Supplemented, SG No. 33/2009, amended, SG No. 28/2016)

(1) The elective members of the Supreme Judicial Council shall not be remunerated for working on commissions at the Council.

(2) The provisions of Article 218 (1), Article 219, Article 221, Article 224 and Article 330 shall apply to elective members of the Supreme Judicial Council.

(3) (New, SG No. 62/2016, effective 9.08.2016) The time spent as an elective member of the Supreme Judicial Council shall count as service record under Article 225 (1).

**Section Ia**  
**(New, SG No. 28/2016)**  
**Direct Election of Supreme Judicial Council Members by**  
**Judges, Prosecutors and Investigating Magistrates**

**Article 29a**

(New, SG No. 28/2016)

(1) The general assembly of judges for the election of members of the Supreme Judicial Council shall be convened jointly by the Chairperson of the Supreme Court of Cassation and by the Chairperson of the Supreme Administrative Court.

(2) The general assembly of prosecutors for the election of members of the Supreme Judicial Council shall be convened by the Prosecutor General.

(3) The general assembly of investigating magistrates for the election of members of the Supreme Judicial Council shall be convened by the Prosecutor General.

(4) The invitation convening the general assemblies shall state the date, venue and time of conduct of the said assemblies.

(5) The general assemblies shall be convened not earlier than eight months and not later than six months before the expiry of the term of office of the Supreme Judicial Council or within seven days from the early release of an elective member of the Supreme Judicial Council. Where the persons under Paragraph (1), (2) or (3) fail to convene the assemblies, the Minister of Justice shall convene a general assembly within seven days from the expiry of the time limit and shall set the date, venue and time for the conduct thereof.

(6) The convocation of the general assemblies shall be promulgated in the State Gazette and shall be published on the website of the Supreme Judicial Council.

**Article 29b**

(New, SG No. 28/2016)

(1) The Plenum of the Supreme Judicial Council, acting on a motion by the respective chambers and after deliberation with the judicial authorities, shall adopt rules for the conduct of elections of members of the Supreme Judicial Council by the judges, prosecutors and investigating magistrates, which shall be published on the website of the Supreme Judicial Council and shall apply to all elections.

(2) The Plenum of the Supreme Judicial Council shall endorse a standard form of the tally sheet and the technical design of the paper ballots not later than thirty days before the election day.

(3) The paper ballots shall be white, manufactured of dense non-transparent paper, which does not allow the secrecy of the ballot to be compromised.

**Article 29c**

(New, SG No. 28/2016)

(1) Candidates for elective members of the Supreme Judicial Council representing the judges, prosecutors and investigating magistrates may be nominated, respectively, by each judge, prosecutor or investigating magistrate not later than two months before the conduct of the election.

(2) (Amended, SG No. 7/2018) The nominations shall be put forward in writing and shall be reasoned considering the personal accomplishments, professional standing and moral integrity of the candidate. The nominations shall be accompanied by the written consent of the candidate under Article 19 (5) herein.

(3) The reasons with the reasons thereto and the names of the nominators shall be made public on the website of the Supreme Judicial Council within three days from their receipt.

(4) (Amended, SG No. 7/2018) Within 14 days from the publication of the nominations, the candidates shall submit in writing detailed curriculum vitae, their reasons and a concept on the activity of the Supreme Judicial Council, as well as documentary proof of conformity to the requirements of this Act. Within the same time limit, the candidates shall submit a declaration related to incompatibility or on any circumstances that may lead to a private interest within the meaning of Article 52 of the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Act when making decisions, a declaration disclosing their financial interests and the origin of the funds on which the property thereof has been acquired under Article 19a (1).

(5) The documents under Paragraph (4) shall be published on the website of the Supreme Judicial Council within three days from their submission.

#### **Article 29d**

(New, SG No. 28/2016)

(1) For each nomination received, the respective chamber of the Supreme Judicial Council shall require detailed information on all inspections from the Inspectorate with the Supreme Judicial Council.

(2) Within 14 days from the publication of each nomination according to the procedure established by Article 29c (3), the respective chamber of the Supreme Judicial Council shall publish on the website thereof the documents under Paragraph (1) and the documents of each candidate from the personnel file thereof under Article 30a (2).

(3) The Judges Chamber of the Supreme Judicial Council shall pronounce on the admissibility of each nomination with regard to the required educational attainment, length of practising law and submission of the envisaged documents regarding the judges candidates for members of the Supreme Judicial Council, and the Prosecutors Chamber shall so pronounce regarding the prosecutors and investigating magistrates candidates, within seven days after the expiry of the time limit under Paragraph (2). The decisions shall be made public immediately on the website of the Supreme Judicial Council.

(4) The decisions on the admissibility of nominations shall be appealable within three days

from their publication according to the procedure established by Paragraph (3) through the respective chamber of the Supreme Judicial Council before a panel consisting of three judges of the Supreme Court of Cassation and two judges of the Supreme Administrative Court, designated on the basis of the random selection principle through electronic assignment. The judgment shall be rendered within seven days from the lodgement of the appeal and shall be final.

(5) Within three days from the entry into effect of the decisions on admissibility, the chambers of the Supreme Judicial Council shall compile lists stating the names and position occupied of all candidates admitted to entry in the elections for members of the Supreme Judicial Council.

(6) (Amended, SG No. 17/2019) The documents shall be published in accordance with the requirements for personal data protection and the Classified Information Protection Act.

#### **Article 29e**

(New, SG No. 28/2016)

(1) Within 14 days from the scheduling of the election, the chambers of the Supreme Judicial Council shall compile lists of the sitting judges, prosecutors and investigating magistrates, which shall serve as rolls for voting.

(2) Within three days from the publication of the list, each judge, prosecutor and investigating magistrate may request from the respective chamber of the Supreme Judicial Council to be added to the list. The chamber shall pronounce within three days from the receipt of the request by a decision which shall be unappealable.

(3) On the day of conduct of the election, each sitting judge, prosecutor and investigating magistrate may exercise the right thereof to vote by producing a certificate issued by the administrative head on the position occupied thereby, and shall be added to the rolls for voting.

#### **Article 29f**

(New, SG No. 28/2016)

The Plenum of the Supreme Judicial Council shall organise the printing of paper ballots stating the forename, patronymic and surname of all admitted candidates in alphabetical order, as well as the position thereof.

#### **Article 29g**

(New, SG No. 28/2016)

(1) The general assembly shall meet on two consecutive Saturdays.

(2) On the first Saturday, the general assembly shall elect an election commission and voting sections and shall hear the candidates. The general assembly shall meet if more than half of the judges, prosecutors or investigating magistrates included on the respective list under Article 29e are present. In the absence of a quorum, the assembly shall be adjourned to a time within one hour thereafter and shall be held regardless of the number of those present. The assemblies shall be public and shall be streamed live on the website of the Supreme Judicial Council.

#### **Article 29h**

(New, SG No. 28/2016)

(1) The election commission of judges shall consist of nine regular and five alternate members, the election commission of prosecutors shall consist of seven regular and four alternate members, and the election commission of investigating magistrates shall consist of five regular and three alternate members.

(2) The voting sections shall consist of three regular and two alternate members. One voting section shall be constituted for each five hundred judges, prosecutors and investigating magistrates, and any remainders of less than five hundred persons shall be distributed evenly among the voting sections.

(3) Any candidate, spouse of a candidate, lineal relative, collateral relative up to the fourth degree of consanguinity or de facto cohabitant with a candidate for member of the Supreme Judicial Council shall be ineligible for membership of an election commission or of a voting section.

(4) Between them, the members of the election commissions and of the voting sections may not be spouses or de facto cohabitants, lineal relatives or collateral relatives up to the fourth degree of consanguinity.

(5) The members of the election commission shall elect from among their number a chairperson and a deputy chairperson, and the members of the voting sections shall elect a chairperson.

#### **Article 29i**

(New, SG No. 28/2016)

(1) The candidates included in the lists under Article 29d (5) shall be heard in alphabetical order.

(2) Judges, prosecutors, investigating magistrates, non-profit legal entities designated for the pursuit of public benefit activities may address opinions on the candidates and questions to them to the respective chamber of the Supreme Judicial Council not later than 14 days before the date of conduct of the general assembly.

(3) The opinions and questions shall be published on the website of the Supreme Judicial Council within three days from their submission. Data containing classified information and facts concerning the private life of the candidates shall not be published.

(4) The members of the general assembly and of the commission may address questions to the candidates, including on the basis of the opinions under Paragraph (2). The commission shall be bound to ask all questions received.

#### **Article 29j**

(New, SG No. 28/2016)

(1) After the hearing of the candidates, the election shall proceed on the following Saturday.

The election shall be conducted from 8:00 a.m. until 6:00 p.m. Should any judges, prosecutors or investigating magistrates who have not voted be outside the voting section by 6:00 p.m., the chairperson of the voting section shall establish the number and identity thereof. The judges, prosecutors or investigating magistrates who have not voted shall deliver the identity documents thereof to the voting section. Only these judges, prosecutors or investigating magistrates shall be admitted to voting after 6:00 p.m.

(2) The election shall be considered valid if more than one-half of the judges or, respectively, prosecutors or investigating magistrates included in the lists under Article 29e have voted.

(3) In case the prerequisites under Paragraph (2) do not apply, a new election shall be conducted on the following day. The election shall be considered valid if not less than 33 per cent of those entitled to vote have voted.

(4) In case the voting has to be repeated according to the procedure established by Article 29k (4) upon the conduct of the new election, the said voting shall take place on the following day.

(5) In case all members of the Supreme Judicial Council who are rendered up by the respective general assembly are elected on the day of conduct of the voting according to Paragraph (1), the assembly shall be closed.

#### **Article 29k**

(New, SG No. 28/2016)

(1) Voting shall be by secret ballot and shall be carried out by means of a paper ballot of a standard design endorsed by the Plenum of the Supreme Judicial Council, which shall be deposited in a ballot box.

(2) To be valid, a paper ballot must:

1. conform to the standard design as endorsed;
2. indicate the requisite number or fewer candidates for the Judges or Prosecutors Chamber, to be elected by the general assembly;
3. bear the impression of two seals affixed by the respective voting section; the seal shall state the name and number of the voting section;
4. no special symbols, such as letters, numbers or other signs, are written on the ballot;
5. the candidate is marked by an "X" or "V" sign written by means of a ballpoint pen writing in blue ink.

(3) The candidates who have gained more than one-half of the valid votes shall be considered elected. If the candidates satisfying this condition outnumber the candidates to be

elected at the respective general assembly, those from among them who have gained the most votes shall be considered elected.

(4) Where the requisite number of members has not been elected in the voting according to the procedure established by Paragraph (3), the election shall proceed on the following day, when the voting shall be repeated. If the respective number of members is not elected in the repeated voting by the requisite majority, those of them who have gained the most votes shall be considered elected.

(5) If the election commission has failed to print new paper ballots which omit the candidates elected according to the procedure established by Paragraph (3), the initial ballots will be used for the voting. In such case, the votes cast for those candidates shall be ignored when determining the validity of the ballot and of the election result.

(6) Should the number of votes be equal, the candidate or candidates elected shall be decided by the election commission by lots drawn in the presence of the interested candidates.

#### **Article 291**

(New, SG No. 28/2016)

(1) Observers, who shall be expressly authorised representatives of non-profit legal entities designated for the pursuit of public benefit activities and shall be registered by the respective chamber of the Supreme Judicial Council until the election day, may be present at all stages of the election process.

(2) The respective chamber of the Supreme Judicial Council shall register the non-profit legal entities designated for the pursuit of public benefit which wish to participate in the elections with expressly authorised representatives as observers.

(3) The organisations shall be registered under Paragraph (2), acting on an application signed by the person representing the organisation according to its current court registration or a person expressly authorised by that person.

(4) The application under Paragraph 3 shall be accompanied by:

1. a certificate of current legal status;
2. an express authorisation from the person representing the organisation, where the documents are submitted by an authorised person;
3. a list, signed by the person representing the organisation concerned or by a person expressly authorised by that person, stating the names and the Personal Identification Number or, respectively, another number identifying the persons who are not Bulgarian citizens, who are to be registered as observers;
4. authorisations of the expressly authorised representatives of the organisation, who are to be registered as observers; the representatives of non-profit legal entities designated for the

pursuit of public benefit activities may be authorised by a joint authorisation.

**Article 29m**

(New, SG No. 28/2016)

(1) The ballot boxes shall be opened and the ballots cast shall be counted in public by the respective voting sections immediately after the completion of the voting.

(2) A tally sheet shall be drawn up in duplicate on the results of the election in each of the sections, and the total number of those who have voted, the valid and invalid ballots, the ballots cast for each candidate by name shall be entered in the said tally sheet. The tally sheet shall be signed by the chairperson and by the members of the voting section.

(3) On the basis of the tally sheets under Paragraph 2, the election commission shall pronounce by a decision on the results of the election, and the said decision shall include the names of the members elected to the respective chamber and the number of votes by which they have been elected, and shall be signed by the chairperson and by the members of the election commission. The tally sheets of the voting sections shall be an integral part of the decision of the election commission. The decision and the tally sheets shall be made public immediately on the website of the Supreme Judicial Council.

(4) The decision of the election commission whereby the result of the election is declared shall be appealable within seven days from its declaration before the panel under Article 29d, Paragraph 4.

(5) The appeal shall be lodged through the respective chamber of the Supreme Judicial Council which shall transmit the complete file to the panel under Paragraph 4 within three days.

(6) The panel shall examine the appeal in public session, with the appellant and a representative of the election commission being summoned, and shall pronounce within 14 days by judgment which shall be final.

(7) The ballots shall be arranged and sealed in the ballot boxes. They shall be kept until the entry into effect of the decision whereby the election commission pronounced on the result of the election, and shall be destroyed by decision of the Plenum of the Supreme Judicial Council after the newly elected members take office.

(8) The decision of the election commission and the tally sheets of the voting sections shall be kept for five years from the day of the election.

**Article 29n**

(New, SG No. 28/2016)

(1) If the election is pronounced legally non-conforming, a new election shall be conducted not earlier than one month thereafter.

(2) The date of the election shall be appointed by the persons under Article 29a (1) to (3) and shall be communicated to the judges, prosecutors and investigating magistrates according to

the procedure applicable to the convocation of the general assembly.

(3) The new election shall be held according to the rules provided for the regular election.

**Article 29o**

(New, SG No. 28/2016)

(1) The logistical and technical preparation for the assemblies shall be carried out by the administration of the Supreme Judicial Council.

(2) The costs of the conduct of the assemblies shall be covered by the Supreme Judicial Council budget.

**Article 29p**

(New, SG No. 28/2016) Upon the early relief from office of an elective member of the Supreme Judicial Council, an election of a new member shall be scheduled under the terms and according to the procedure established by this Section.

## **Section II**

### **Supreme Judicial Council: Operation and Organisation**

**Article 30**

(Amended and supplemented, SG No. 33/2009, SG No. 1/2011, effective 4.01.2011, amended, SG No. 32/2011, effective 19.04.2011, SG No. 28/2016)

(1) The Supreme Judicial Council shall implement the powers thereof through a Plenum, a Judges Chamber and a Prosecutors Chamber.

(2) The Plenum of the Supreme Judicial Council shall consist of all members thereof and shall be vested with the following powers:

1. adopt the draft Judiciary budget;
2. adopt a decision on termination of the credentials of an elective member of the Supreme Judicial Council under the terms established by Article 130, Paragraph 8 of the Constitution;
3. organise the qualification of judges, prosecutors and investigating magistrates;
4. hear and adopt the annual reports of the judiciary authorities under Article 84, Item 16 of the Constitution;
5. administrate the immovable properties of the Judiciary;
6. make a proposal to the President of the Republic of Bulgaria for the appointment and relief from office of the Chairperson of the Supreme Court of Cassation, the Chairperson of the Supreme Administrative Court and the Prosecutor General;

7. acting on a motion by one of the chambers, after consultation with the Minister of Justice or acting on a motion by the Minister of Justice and, with regard to the military courts, after consultation with the Minister of Defence, determine the number, judicial districts and seats of the district, regional, military, administrative and appellate courts and prosecution offices, establish and close courts and prosecution offices, change the seat thereof and determine the settlements where territorial divisions with the respective district court and with the respective district prosecution office are to be opened;

8. acting on a motion by one of the chambers, after consultation with the administrative heads of the judicial authorities, determine the number of judges, prosecutors and investigating magistrates at all courts, prosecution offices and investigation departments, taking into account the caseload level;

9. determine the staff size and the structure of the administration of the Supreme Judicial Council and of the National Institute of Justice;

10. set the remuneration of judges, prosecutors and investigating magistrates;

11. not later than 31 May, prepare and lay before the National Assembly an annual report on the activity thereof together with the annual report on the activity of the Inspectorate with the Supreme Judicial Council and with the annual reports of the Supreme Court of Cassation, the Supreme Administrative Court and of the Prosecutor General;

12. prepare and make public an annual report on the independence and transparency of the operation of the judicial authorities and of its own activity, which shall be submitted to public consultation;

13. give opinions to the Council of Ministers and to the National Assembly on bills concerning the Judiciary;

14. establish standing and ad hoc commissions to assist the activity thereof;

15. adopt rules of organisation of the operation thereof and of the operation of the administration of the Supreme Judicial Council, which shall be promulgated in the State Gazette;

16. establish and maintain an electronic public register of all its decisions and the reasoning thereto;

17. in the cases provided for by the law, issue statutory instruments of secondary legislation;

18. approve the automated information systems for the judicial authorities after consultation with the Minister of Justice and ensure the system integration of the said systems and the interoperability thereof;

19. (new, SG No. 62/2016, effective 9.08.2016) establish and maintain an electronic public register of all projects having as a subject the functioning of the judicial authorities, which are

implemented by the organisations under Article 217;

20. (renumbered from Item 19, SG No. 62/2016, effective 9.08.2016) decide on other organisational matters common to the Judiciary.

(3) The Judges Chamber of the Supreme Judicial Council shall consist of 14 members and shall comprise the chairpersons of the Supreme Court of Cassation and of the Supreme Administrative Court, six members elected directly by the judges, and six members elected by the National Assembly.

(4) The Prosecutors Chamber of the Supreme Judicial Council shall consist of 11 members and shall comprise the Prosecutor General, four members elected directly by the prosecutors, one member elected directly by the investigating magistrates, and five members elected by the National Assembly.

(5) The Judges Chamber and the Prosecutors Chamber shall implement the following powers, separately and in line with the professional specialisation thereof, with regard to judges, prosecutors and investigating magistrates:

1. appoint, promote, transfer and release from office the judges, prosecutors and investigating magistrates;

2. carry out periodic and other appraisals of judges, prosecutors, investigating magistrates, administrative heads and deputy administrative heads in the judicial authorities and address matters concerning the acquisition and restoration of tenure;

3. impose the disciplinary sanctions of demotion and release from office on judges, prosecutors, investigating magistrates, administrative heads and deputy administrative heads in the judicial authorities;

4. determine the number, appoint and release the administrative heads and the deputy administrative heads in the judicial authorities with the exception of the Chairperson of the Supreme Court of Cassation, the Chairperson of the Supreme Administrative Court and the Prosecutor General;

5. address matters concerning the organisation of the operation of the respective system of judicial authorities;

6. submit proposals to the Plenum of the Supreme Judicial Council for determining the number of judicial districts and the seats of the district, regional, administrative and appellate courts and the respective prosecution offices;

7. submit proposals to the Plenum of the Supreme Judicial Council for determining the number of judges, prosecutors and investigating magistrates at all courts, prosecution offices and investigation departments;

8. determine the number of judicial officers depending on the caseload level on a proposal by, or after consulting, the administrative heads of the judicial authorities, and for the authorities included in the structure of the prosecuting magistracy of the Republic of Bulgaria, also after consulting the Prosecutor General, having the option to open new positions and to eliminate positions;

9. organise and carry out competitions for the positions of judges, prosecutors and investigating magistrates in the cases provided for in this Act;

10. assign to the Inspectorate with the Supreme Judicial Council to carry out inspections not included in the annual action programme thereof;

11. propose to the Plenum of the Supreme Judicial Council opinions on bills within the scope of their competence;

12. analyse and report annually the caseload level of the judicial authorities;

13. once every six months, require and summarise information from the courts, the prosecuting magistracy and the National Investigation Service on the operation thereof;

14. establish standing and ad hoc commissions to assist the activity thereof;

15. organise and coordinate the participation of judges, prosecutors and investigating magistrates in international legal cooperation;

16. adopt rules of procedure thereof, which shall be published on the website of the Supreme Judicial Council;

17. the Prosecutors Chamber shall elect and release the Director of the National Investigation Service;

18. (new, SG No. 49/2018) the Judges Chamber shall terminate the secondment of a judge to a judicial authority other than the one in which such judge occupies a full-time position where at the time of posting there were violations of the terms and conditions stipulated by this Act or where this is necessary for staffing the work of the judicial authority from which the judge was seconded.

(6) The activity of the Plenum and the chambers of the Supreme Judicial Council shall be assisted by an administration.

#### **Article 30a**

(New, SG No. 1/2011, effective 4.01.2011)

(1) (Amended, SG No. 28/2016) The chambers at the Supreme Judicial Council shall open, keep and hold a personnel file on each judge, prosecutor and investigating magistrate.

(2) (Amended, SG No. 28/2016) The personnel file shall contain the documents related to the appointment and release from office of a judge, prosecutor and investigating magistrate, to

the professional development thereof, results of inspections prompted by alerts and complaints received, the distinctions and awards by which the person has been incentivised and the sanctions imposed. The declarations on incompatibility, a copy of the appraisal forms, the individual plans for professional development, as well as the results of the implementation of the said plans and other documents on the professional standing and moral integrity possessed by the person concerned shall be attached to the personnel file.

(3) (New, SG No. 28/2016) The individual plan for professional development of a judge, prosecutor or investigating measures shall contain measures for specific training, for upgrading the professional competence and skills thereof and overcoming shortcomings which are identified as a result of an evaluation of the performance thereof in the course of an appraisal or disciplinary procedure or another procedure applicable under the law, with the consent thereof or at the request thereof.

(4) (New, SG No. 28/2016) The data contained in the personnel file, related to professional competence and attributable to the successful coping with the work by a judge, prosecutor or investigating magistrate, and the individual plans for training and professional development shall not be public. They may not be used for any purpose other than the one expressly provided for in the law.

(5) (Renumbered from Paragraph 3, amended, SG No. 28/2016) Copies of the documents contained in the personnel file shall be kept at the judicial authority to which the respective judge, prosecutor or investigating magistrate is appointed.

(6) (Renumbered from Paragraph 4, SG No. 28/2016) Each judge, prosecutor and investigating magistrate shall be entitled to familiarise himself or herself with the personnel file thereof on request, as well as to obtain certified copies of the documents kept therein.

### **Article 31**

(Repealed, SG No. 28/2016).

### **Article 32**

(Amended, SG No. 33/2009, SG No. 28/2016)

(1) The Minister of Justice shall preside over the sessions of the Plenum of the Supreme Judicial Council. The said Minister shall attend in a non-voting capacity. In the absence of the Minister of Justice, the Plenum of the Supreme Judicial Council shall be presided over by the member representing the Supreme Judicial Council, the Chairperson of the Supreme Court of Cassation, the Chairperson of the Supreme Administrative Court or by the Prosecutor General.

(2) The Judges Chamber of the Supreme Judicial Council shall be presided over by the Chairman of the Supreme Court of Cassation or, in the absence thereof, by the Chairperson of the Supreme Administrative Court or by the most senior member present. The Prosecutors Chamber of the Supreme Judicial Council shall be presided over by the Prosecutor General or, in the absence thereof, by the most senior member present. The Minister of Justice may attend the sessions in a non-voting capacity.

(3) In the absence of the Minister of Justice, a deputy minister designated thereby may attend the session of the Plenum and of the chambers.

(4) The Inspector General may attend the sessions of the Plenum of the Supreme Judicial

Council and the sessions of the Judges Chamber and the Prosecutors Chamber of the Supreme Judicial Council in a non-voting capacity.

### **Article 33**

(1) (Supplemented, SG No. 33/2009, amended, SG No. 28/2016) The sessions of the Plenum and of the chambers of the Supreme Judicial Council shall be convened by the presiding officer. The sessions of the Plenum may alternatively be convened at the request of each of the chambers of the Supreme Judicial Council. The sessions of the chambers may alternatively be convened at the request of three members of the respective chamber.

(2) (Supplemented, SG No. 28/2016) The members of the Plenum and of the chambers of the Supreme Judicial Council, as well as the Inspector General, shall be notified of the date of conduct and of the agenda three days in advance, and the written material for the session shall be made available thereto.

(3) (New, SG No. 28/2016) The decisions of the Plenum of the Supreme Judicial Council under Items 2 and 6 of Article 30 (2) shall be adopted by a majority of not less than seventeen votes, and the rest of the decisions shall be adopted by a majority of more than one-half of the members present. Voting shall always be by open ballot.

(4) (Amended, SG No. 28/2016, supplemented, SG No. 29/2019) The decisions of the chambers of the Supreme Judicial Council under Items 1 to 4 of Article 30 (5) shall be adopted by a majority of not less than eight votes, applicable to the Judges Chamber, and not less than six votes, applicable to the Prosecutors Chamber, and the rest of the decisions shall be adopted by a majority of more than one-half of the members present, with the exception of the decision under Item 17 of Article 30 (5). Where the required has not voted in favour of a decision, a decision on rejection shall be presumed, and the said decision shall be appealable according to the procedure established by Article 36. Voting shall always be by open ballot.

(5) (Renumbered from Paragraph 3, supplemented, SG No. 28/2016) Additions to the agenda as announced in advance can be made on the day of the session by decision of the Plenum or of the respective chamber of the Supreme Judicial Council.

(6) (New, SG No. 28/2016) The sessions of the Plenum and of the chambers of the Supreme Judicial Council shall be public and shall be streamed live on the Interest except in the cases where proposals for the imposition of a disciplinary sanction or documents containing information classified under the Classified Information Protection Act are discussed.

(7) (Renumbered from Paragraph 5, SG No. 28/2016) The decisions adopted in a closed session shall be announced publicly.

### **Article 34**

(1) (Amended and supplemented, SG No. 28/2016) A session of the Plenum or of the respective chamber of the Supreme Judicial Council shall be held if more than one half of the members are present.

(2) (Repealed, SG No. 28/2016).

(3) (Amended, SG No. 28/2016) The decisions of the Plenum or of the respective chamber shall be reasoned. The reasons of the proposer, as well as the statements by the members of the Supreme Judicial Council in support of the said proposal, shall be considered reasoning of the decision whereby the proposal entered is adopted. The negative statements by the members of the Supreme Judicial Council opposing a proposal entered shall be considered reasoning of the decision whereby the said proposal is rejected. The lack of reasoning shall be a ground in its own

right for the revocation of the decision.

(4) (New, SG No. 28/2016) Abstentions in voting shall be inadmissible.

### **Article 35**

(Amended, SG No. 1/2011, effective 4.01.2011)

(1) A member of the Supreme Judicial Council shall not have the right to participate in a vote on a decision which concerns him or her personally or his or her spouse or lineal relative, or collateral relative up to the fourth degree of consanguinity and affine up to the third degree of affinity, or if there are other circumstances which cast doubt on his or her impartiality.

(2) (Amended, SG No. 28/2016) In the cases under Paragraph (1), the member of the Supreme Judicial Council shall withdraw of his or her own accord, declaring the circumstances that have necessitated the withdrawal.

(3) (Declared unconstitutional with Judgment No. 10 of the Constitutional Court of the Republic of Bulgaria, SG No. 93/2011)

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When there is evidence of the existence of the circumstances under paragraph 1 and the member of the Supreme Judicial Council fails to withdraw on his/her own volition the Commission for determining and preventing conflicts of interest of the Supreme Judicial Council shall prepare a report. When the circumstances under paragraph 1 are ascertained in the report the member of the Supreme Judicial Council shall be suspended by resolution of the Council and the circumstances that have necessitated the suspension shall be announced.

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(4) (Repealed, SG No. 28/2016).

### **Article 36**

(1) (Supplemented, SG No. 28/2016) The interested parties may challenge the decisions of the Supreme Judicial Council within 14 days of their communication. An appeal shall not stay the enforcement of the decision, unless the court decrees otherwise.

(2) (Amended, SG No. 29/2019) The appeal shall be examined by a three-judge panel of the Supreme Administrative Court.

(3) (Amended, SG No. 29/2019) The decision of the three-judge panel of the Supreme Administrative Court shall not be subject to appeal except in the cases concerning instruments referred to in Article 30(2)(17) and the proceedings under Section I of Chapter Sixteen.

### **Article 37**

(Amended, SG No. 1/2011, effective 4.01.2011, SG No. 32/2011, effective 19.04.2011, SG No. 28/2016)

(1) The Plenum of the Supreme Judicial Council shall elect from among its members a standing Commission on Budget and Finance and a standing Commission on Property Management. The Judges Chamber and the Prosecutors Chambers shall be represented by an equal number of members on the said commissions.

(2) The Plenum of the Supreme Judicial Council shall determine the number of members and the complement of the commissions referred to in Paragraph (1), and the powers and rules of

operation of the said commissions shall be regulated in the rules under Item 15 of Article 30 (2). Each commission shall elect a chairperson from among its members.

(3) The operation of the Judges Chamber and of the Prosecutors Chamber shall be assisted, respectively, by a standing Commission on Appraisal and Competitions and by a Commission on Professional Ethics. The number of members, the complement of the commissions, the powers and the rules of procedure thereof shall be determined by the respective chamber of the Supreme Judicial Council. Each commission shall elect a chairperson from among its members.

(4) The complement of the Commission on Appraisal and Competitions with the Judges Chamber shall include members of the chamber, as well as elective members from among judges holding the rank or occupying the position of a judge at the Supreme Court of Cassation or at the Supreme Administrative Court who are sitting judges at the time of the election. The administrative heads of courts and the deputy administrative heads thereof may not be elected members of commissions.

(5) The plenums of the Supreme Court of Cassation and of the Supreme Administrative Court shall elect judges satisfying the conditions under Paragraph (4) who shall join the Commission on Appraisal and Competitions with the Judges Chamber.

(6) The complement of the Commission on Appraisal and Competitions with the Prosecutors Chamber shall include members of the chamber, as well as elective members from among prosecutors and investigating magistrates holding the rank or occupying the position of a prosecutor at the Supreme Cassation Prosecution Office, a prosecutor at the Supreme Administrative Prosecution Office or an investigating magistrate at the National Investigation Service who are sitting prosecutors and investigating magistrates at the time of the election. The administrative heads of the prosecution offices and the deputy administrative heads thereof may not be elected members of commissions.

(7) The general assemblies of prosecutors of the Supreme Cassation Prosecution Office and the Supreme Administrative Prosecution Office shall elect prosecutors, and the General Assembly of investigating magistrates of the National Investigation Service shall elect investigating magistrates satisfying the conditions under Paragraph (6), who shall join the Commission on Appraisal and Competitions with the Prosecutors Chamber.

(8) The elective members of the commissions on appraisal and competitions shall have a one-year term of office. A judge, prosecutor or investigating magistrate may not be elected member of the respective commission for more than two consecutive terms of office.

(9) The commissions on professional ethics with the chambers shall conduct enquiries, shall collect the requisite information and shall draw up an opinion regarding the moral integrity possessed by the candidates in the competitions for occupation of a position in the judicial authorities, as well as of the candidates for administrative heads and of the candidates for deputy administrative heads.

### **Article 38**

(1) (Amended, SG No. 1/2011, effective 4.01.2011, SG No. 28/2016) The commissions on appraisal and competitions shall propose to the respective chamber a draft decision on:

1. the number of judges, prosecutors and investigating magistrates, as well as that of the administrative heads and of the deputy administrative heads thereof;

2. the appointment, the promotion in rank or in position and the release of judges, prosecutors and investigating magistrates;

3. (supplemented, SG No. 33/2009) the appointment and release of the administrative heads and of the deputy 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, who shall concurrently be Deputy Prosecutor General for investigation;

4. (amended, SG No. 1/2011, effective 4.01.2011) the acquisition of tenure status by judges, prosecutors and investigating magistrates.

(2) (Amended, SG No. 1/2011, effective 4.01.2011, SG No. 28/2016) Proposals to the Commissions on Appraisal and Competition in connection with the exercise of the powers thereof under Paragraph (1) shall be made by the judge, prosecutor or investigating magistrate concerned and by the relevant administrative head.

(3) (Amended, SG No. 1/2011, effective 4.01.2011) The proposals by an administrative head shall be made as follows:

1. (amended, SG No. 1/2011, effective 4.01.2011) by the Chairperson of the Supreme Court of Cassation: for the deputies thereof and for the judges of that Court;

2. (amended, SG No. 1/2011, effective 4.01.2011) by the Chairperson of the Supreme Administrative Court: for the deputies thereof and for the judges of that Court;

3. by the Prosecutor General for:

a) (amended, SG No. 33/2009) the Deputy Prosecutors General of the Supreme Cassation Prosecution Office, of the Supreme Administrative Prosecution Office, and for the Director of the National Investigation Service, who shall concurrently be Deputy Prosecutor General for investigation;

b) (new, SG No. 33/2009) the prosecutors of the Supreme Cassation Prosecution Office and the Supreme Administrative Prosecution Office, and for the investigating magistrates of the National Investigation Service;

c) (renumbered from Littera "b", SG No. 33/2009, repealed, SG No. 1/2011, effective 4.01.2011, new, SG No. 62/2016, effective 9.08.2016) the appellate prosecutors, the military appellate prosecutor and the head of the appellate specialised prosecution office;

4. (supplemented, SG No. 1/2011, effective 4.01.2011, SG No. 28/2016) by the appellate prosecutors and the appellate military prosecutor and the head of the appellate specialised prosecution office: for their deputies and for the prosecutors at the appellate prosecution offices and at the military appellate prosecution office and the appellate specialised prosecution office, as well as for the regional and military regional prosecutors in the respective district;

5. (amended, SG No. 1/2011, effective 4.01.2011) by military regional prosecutors and the head of the specialised prosecution office, respectively: for their deputies, for the prosecutors at military regional prosecution offices and of the specialised prosecution office, for the military investigating magistrates and for the investigating magistrates at the investigation departments of the specialised prosecution office;

6. (amended, SG No. 33/2009, supplemented, SG No. 28/2016) by regional prosecutors: for their deputies, for heads of regional investigation departments at regional prosecution offices, for

prosecutors at regional prosecution offices and for investigating magistrates at regional investigation departments of regional prosecution offices, as well as for the district prosecutors in the respective district;

7. by district prosecutors: for their deputies and the prosecutors at regional prosecution offices;

8. (amended, SG No. 1/2011, effective 4.01.2011) by chairpersons of appellate courts, of the military appellate court and of the appellate specialised criminal court: for their deputies and for the judges at these courts;

9. (amended, SG No. 1/2011, effective 4.01.2011) by chairpersons of regional courts: for their deputies and for the judges at these courts;

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. (new, SG No. 1/4.01.2011, effective 4.01.2011) by the chairperson of the specialised criminal court: for the deputies thereof and for the judges at the said court

13. (repealed, SG No. 33/2009, renumbered from Item 12, SG No. 1/2011, effective 4.01.2011) by chairpersons of district courts: for their deputies and the judges at these courts;

14. (repealed, SG No. 33/2009).

(4) (New, SG No. 33/2009) The Director of the National Investigation Service may draw up proposals to the Prosecutor General for heads of the specialised departments at the National Investigation Service and for the investigating magistrates at those departments.

(5) (New, SG No. 1/4.01.2011, effective 4.01.2011) The heads of the regional investigation departments and the investigation departments at the specialised prosecution office may draw up proposals to the administrative heads of the regional prosecution offices and to the administrative head of the specialised prosecution office for investigation magistrates from these departments.

(6) (New, SG No. 33/2009, renumbered from paragraph 5, SG No. 1/2011, effective 4.01.2011) The heads of regional investigation departments may draw up proposals to the administrative heads of regional prosecution offices for the investigating magistrates at those departments.

(7) (Renumbered from paragraph 4, SG No. 33/2009, repealed, renumbered from paragraph 6, SG No. 1/2011, effective 4.01.2011, amended, SG No. 28/2016) The Minister of Justice may give opinions on the proposals addressed to the Judges Chamber and to the Prosecutors Chamber.

(8) (Renumbered from paragraph 6, SG No. 33/2009, repealed, SG No. 28/2016).

### **Article 39**

(Amended, SG No. 1/2011, effective 4.01.2011, SG No. 32/2011, effective 19.04.2011, SG No. 28/2016)

The commissions on appraisal and competitions with the Judges Chamber and, respectively, with the Prosecutors Chamber shall perform the appraisal of judges, prosecutors and investigating magistrates, of administrative heads and deputy administrative heads with the exception of those of the Supreme Court of Cassation, the Supreme Administrative Court, the Supreme Cassation Prosecution Office, the Supreme Administrative Prosecution Office and the National Investigation Service.

### **Article 39a**

(New, SG No. 1/2011, effective 4.01.2011, amended and supplemented, SG No. 32/2011, effective 19.04.2011, repealed, SG No. 28/2016).

#### **Article 39b**

(New, SG No. 1/2011, effective 4.01.2011)

(1) Commissions on professional ethics shall be elected in the judicial authorities.

(2) (New, SG No. 32/2011, effective 19.04.2011) The members of a commission on professional ethics shall be elected by the general assembly of the relevant judicial authority for a four-year term. The members of the commission may not be re-elected for two consecutive terms. Each commission shall consist of three regular and one alternate members. The commission shall elect a chairperson from among its members.

(3) (New, SG No. 32/2011, effective 19.04.2011) Where it is impossible to form a commission on professional ethics, its functions shall be performed by the commission of the superior judicial authority in the relevant judicial district.

(4) (New, SG No. 32/2011, effective 19.04.2011, amended, SG No. 28/2016) The commissions on professional ethics at the courts, prosecution offices and at the National Investigation Service shall assist the relevant Commission on Professional Ethics in the exercise of the powers thereof under Article 37 (9) by giving an opinion on the moral integrity of the judges, prosecutors and investigating magistrates of the respective court, prosecution office, investigation department or the National Investigation Service.

(5) (Renumbered from paragraph 2, SG No. 32/2011, effective 19.04.2011, supplemented, SG No. 28/2016) The commissions on professional ethics shall perform their activity in implementing the Code of Ethical Behaviour of Bulgarian Magistrates in compliance with the rules of organisation and operation thereof adopted by the Supreme Judicial Council.

## **Chapter Three**

# **INSPECTORATE WITH 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 with the Supreme Judicial Council shall be a legal person seated in Sofia.

## **Section II**

# **Inspector General and Inspectors' Election and Early Termination of Credentials**

## **Article 42**

(1) Jurists of high professional standing and moral integrity shall be elected Inspector General and inspectors.

(2) (Amended, SG No. 1/2011, effective 4.01.2011; declared unconstitutional with Judgment No. 10 of the Constitutional Court of the Republic of Bulgaria in its part regarding the words "judge, prosecutor or investigating magistrate who", SG No. 93/2011; amended, SG No. 62/2016, effective 9.08.2016)

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Eligibility for Inspector General shall be limited to a person who has practised law for at least 15 years, of which at least 10 years as a judge at a regional or appellate court or at the Supreme Court of Cassation or the Supreme Administrative Court, a prosecutor at a regional or appellate prosecution office, the Supreme Cassation Prosecution Office or the Supreme Administrative Prosecution Office, or an investigating magistrate at the National Investigation Service or at a regional investigation department.

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(3) (Amended, SG No. 1/2011, effective 4.01.2011, SG No. 62/2016, effective 9.08.2016) Eligibility for inspectors shall be limited to persons who have practised law for at least 12 years and, within that time:

1. three of the inspectors shall be required to have served for at least eight years as a judge of civil, commercial or administrative cases at a regional or appellate court, at the Supreme Court of Cassation or the Supreme Administrative Court;

2. one of the inspectors shall be required to have served for at least eight years as a judge of criminal cases at a regional or appellate court or at the Supreme Court of Cassation;

3. one of the inspectors shall be required to have served for at least eight years as a prosecutor at a regional or appellate prosecution office, at the Supreme Cassation Prosecution Office or the Supreme Administrative Prosecution Office, or as an investigating magistrate at the National Investigation Service or at a regional investigation department;

4. two of the inspectors shall be required to have served for at least five years as a judge of civil, commercial or administrative cases at a regional or appellate court, at the Supreme Court of Cassation or the Supreme Administrative Court;

5. one of the inspectors shall be required to have served for at least five years as a judge of criminal cases at a regional or appellate court or at the Supreme Court of Cassation;

6. two of the inspectors shall be required to have served for at least five years as a

prosecutor at a regional or appellate prosecution office, at the Supreme Cassation Prosecution Office or the Supreme Administrative Prosecution Office, or as an investigating magistrate at the National Investigation Service or at a regional investigation department.

(4) (Amended, SG No. 33/2009, repealed, SG No. 1/2011, effective 4.01.2011).

**Article 43**

The Inspector General and inspectors may not be persons in respect of whom the grounds under Article 18 (1) apply.

**Article 44**

(Amended, SG No. 50/2012)

(1) (Amended and supplemented, SG No. 62/2016, effective 9.08.2016) The National Assembly shall elect an Inspector General and inspectors not earlier than six months and not later than one month before the expiry of their term of office.

(2) The nominations of candidates for Inspector General and inspectors shall be examined by the specialised standing committee of the National Assembly.

(3) (Amended, SG No. 62/2016, effective 9.08.2016) Nominations of candidates for Inspector General and for inspectors shall be made by the National Representatives not later than two months prior to holding the election before the committee under Paragraph (2). Any such nominations shall be accompanied by:

1. detailed reasons in writing on the professional standing and moral integrity of the candidates, including opinions expressed by professional, academic and other organisations;

2. documents certifying the award of a university degree in law, documents related to the requirements for incompatibility, documents on the practice of law and the career development of the candidate, as well as a document on a check conducted according to the procedure established by the Act on Access to and Disclosure of the Records and on Announcement of Affiliation of Bulgarian Citizens to State Security and the Intelligence Services of the Bulgarian People's Army, if the candidate was born before 16 July 1973.

(4) (Amended, SG No. 62/2016, effective 9.08.2016) The candidates shall be nominated after obtaining the written consent of each candidate.

(5) (Supplemented, SG No. 62/2016, effective 9.08.2016) The nominations together with a detailed curriculum vitae of the candidates and the documents under Paragraphs (3) and (4) shall be published on the website of the National Assembly within three working days from the date of receipt. The name and reasons of the National Representative who has nominated the respective candidate shall be published as well.

(6) (Supplemented, SG No. 62/2016, effective 9.08.2016, amended, SG No. 17/2019) The nominations and documents referred to in Paragraphs (3) and (4) shall be published in accordance with the requirements for the protection of personal data and the Classified

Information Protection Act.

**Article 45**

(Amended, SG No. 50/2012)

(1) (Amended, SG No. 62/2016, effective 9.08.2016, SG No. 7/2018) Within 14 days after the publication of nominations, each candidate for Inspector General or inspector shall submit to the committee preparing the election a written concept on his or her work. Within the same time limit, candidates shall submit a declaration disclosing their financial interests and the origin of the funds on which the property thereof has been acquired, as well as a declaration on the existence of a private interest within the meaning of Article 52 of the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Act, based on a standard form proposed by the committee and by the Plenum of the Supreme Judicial Council and endorsed by the Minister of Justice. All concepts and declarations shall be published within three working days from the expiry of the time limit under sentence one on the websites of the National Assembly and of the Inspectorate with the Supreme Judicial Council.

(2) Not later than seven days prior to the hearing, non-profit legal entities registered for the pursuit of public benefit activities, higher educational establishments and scientific organisations may submit opinions about a candidate to the commission, including questions to be put to the said candidate. Anonymous opinions and alerts shall be ignored. The opinions and questions as submitted shall be published on the website of the National Assembly and of the Inspectorate with the Supreme Judicial Council not later than three days from the date of submission. Specific data constituting classified information, as well as facts related to candidates' private life, shall not be published.

(3) The committee shall hear each candidate for Inspector General or inspector who shall present the concept under Paragraph (1). The hearing shall be scheduled and announced by the committee not later than one month prior to the scheduled hearing date.

(4) The hearing shall be conducted at an open session of the committee not later than 14 days before making the election. A full verbatim record of proceedings shall be drawn up for the hearing and shall be published on the website of the National Assembly. The members of the committee may ask the candidate questions, including on the basis of the opinions under Paragraph (2).

(5) The committee shall prepare a report on the professional standing and moral integrity of the candidates, thereby moving the nominations for a debate and taking a vote at the National Assembly. The report shall contain a conclusion on:

1. the minimum legal requirements to occupy the position;
2. the existence of data that call into question the candidate's moral integrity, qualification, experience and professional standing;
3. the specific background, qualities and motivation for the post concerned;
4. the public reputation of the candidate and the public support for him or her.

(6) The report shall be published on the website of the National Assembly.

**Article 46**

(Amended, SG No. 50/2012)

The National Assembly shall elect the Inspector General and each inspector separately, by a majority of two-thirds of the National Representatives.

**Article 47**

(1) (Repealed, SG No. 29/2019).

(2) The Inspector General and the inspectors shall vacate any positions and abandon any activities incompatible with the requirements of Article 18 (1) before entering office, of which they shall notify the Chairperson of the National Assembly.

**Article 48**

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

1. tendering of resignation;
2. a judicial instrument on a committed criminal offence becoming enforceable;
3. (amended, SG No. 33/2009) continuous actual inability to discharge the duties thereof for more than one year;
4. being disqualified from practising a legal profession or activity;
5. a serious breach or systematic failure to discharge the official duties, as well as actions damaging the prestige of the Judiciary;
6. failing to discharge the duty under Article 47 (2);
7. (new, SG No. 62/2016, effective 9.08.2016) a decision ascertaining a conflict of interest becoming enforceable;

(2) (Amended, SG No. 28/2016, amended and supplemented, SG No. 62/2016, effective 9.08.2016) In the cases under Items 2 to 7 of Paragraph (1), a proposal for the release of the Inspector General or of the inspectors may be made by at least one-fifth of the National Representatives or by the Plenum of the Supreme Judicial Council. The Commission for Prevention and Ascertainment of Conflict of Interest shall immediately notify the Chairperson of the National Assembly and the Supreme Judicial Council of an enforceable decision under Item 7 of Paragraph (1).

**Article 49**

(Amended, SG No. 29/2019) Upon release pursuant to Article 48 (1) of the Inspector

General or of an inspector, the National Assembly shall elect a new Inspector General with a term of office according to Article 132a(2) of the Constitution or a new inspector with a term of office according to Article 132a(3) of the Constitution.

#### **Article 50**

(Amended, SG No. 1/2011, effective 4.01.2011; declared unconstitutional with Judgment No. 10 of the Constitutional Court of the Republic of Bulgaria, in its part regarding the words "judge, prosecutor or investigating magistrate", SG No. 93/2011; amended, SG No. 62/2016, effective 9.08.2016)

(1) (Supplemented, SG No. 65/2017, amended, SG No. 29/2019) Upon expiry of the term of office or upon early termination of the credentials pursuant to Item 1 of Article 48 (1), the Inspector General and the inspectors who have submitted a request to the respective chamber of the Supreme Judicial Council within 14 days after the day of expiry of the term of office or early termination of the credentials can be reinstated to a position that is one rank higher than the position held prior to the election.

(2) (New, SG No. 29/2019) In the cases where the request for reinstatement according to Paragraph (1) is not granted, the respective chamber of the Supreme Judicial Council shall deliver a decision within the time limit specified in Paragraph (1), whereby the Inspector General and the inspectors shall be reinstated to the position of judge, prosecutor or investigating magistrate occupied before the election, or to a position with an equal rank in the bodies of the judiciary.

(3) (Renumbered from Paragraph (2), amended, SG No. 29/2019) Within one month from the reinstatement to the position under Paragraph (2), the Inspector General and the inspectors whose term of office has expired or whose credentials have been terminated early shall receive an evaluation of the performance thereof from the respective chamber of the Supreme Judicial Council according to a methodology adopted by the Plenum of the Supreme Judicial Council and the Inspectorate with the Supreme Judicial Council. The said evaluation shall become part of the appraisal in a magistrate capacity before the entry into office as Inspector General and inspector.

#### **Article 51**

(Amended, SG No. 62/2016, effective 9.08.2016)

(1) The remuneration of the Inspector General shall be equal to the remuneration of a member of the Supreme Judicial Council.

(2) The remuneration of the inspectors shall be equal to 90 per cent of the remuneration of the Inspector General.

#### **Article 52**

(Amended, SG No. 1/2011, effective 4.01.2011, supplemented, SG No. 62/2016, effective 9.08.2016)

The time served as Inspector General, inspector or legally qualified expert in the Inspectorate with the Supreme Judicial Council shall count as service record under Article 164 (1) to (7).

#### **Article 53**

(Amended, SG No. 33/2009)

(1) (Previous text of Article 53, SG No. 62/2016, effective 9.08.2016) Chapter Sixteen and

Articles 219, 221, 224 and 330 shall apply to the Inspector General and to the inspectors.

(2) (New, SG No. 62/2016, effective 9.08.2016) The time served as Inspector General or inspector shall count as service record under Article 225 (1).

## **Section III**

### **Inspectorate: Powers**

#### **Article 54**

(1) The Inspectorate shall:

1. check the organisation of administrative operation of the courts, prosecution offices and investigating authorities;

2. check the arrangements made for the institution and progress of court, prosecutorial and investigative cases, 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 enforceable judicial instrument, as well as the case files and cases disposed of by prosecutors and investigating magistrates;

4. in the presence of conflicting case-law, the existence of which has been found in carrying out the activity under Paragraph (3), it shall alert the competent authorities of the need to request the rendition of interpretative judgements or interpretative decrees;

5. (supplemented, SG No. 28/2016) upon breaches identified in the implementation of the activities under Items 1 to 3, it shall alert the administrative head of the judicial authority concerned and the respective chamber of 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 authorities;

7. address alerts, proposals and reports to other state bodies, including the competent judicial authorities;

8. (amended, SG No. 62/2016, effective 9.08.2016) carry out integrity testing and examinations for conflict of interest of judges, prosecutors and investigating magistrates, verifications of the financial interests disclosure declarations, as well as checks for identifying actions damaging the prestige of the Judiciary and such related to impairment of the independence of judges, prosecutors and investigating magistrates;

9. (new, SG No. 62/2016, effective 9.08.2016) examine applications against an infringement of the right to have a case examined and disposed of within a reasonable time;

10. (amended, SG No. 62/2016, effective 9.08.2016) adopt internal rules for carrying out

the testing and examinations under Items 1 to 3 and Item 8 in the judicial authorities;

11. (new, SG No. 62/2016, effective 9.08.2016) adopt internal rules for conduct of the integrity testing of experts with the Inspectorate and organise the conduct of such testing;

12. (new, SG No. 62/2016, effective 9.08.2016) draw up an annual programme for scheduled inspections and an annual report on the activity thereof, which it shall submit to the Plenum of the Supreme Judicial Council;

13. (amended, SG No. 15/2013, effective 1.01.2014, renumbered from Item 9, SG No. 62/2016, effective 9.08.2016) discuss the draft budget for the Judiciary proposed by the Minister of Justice with regard to the budget of the Inspectorate and submit it to the Supreme Judicial Council;

14. (new, SG No. 62/2016, effective 9.08.2016) make publicly available information on the activity thereof and publish the annual report on the activity thereof on the website thereof;

15. (new, SG No. 17/2019) exercise supervision over the processing of personal data in the cases specified in Article 17(1) of the Personal Data Protection Act.

(2) (New, SG No. 17/2019) When carrying out the supervision referred to in item 15 of Paragraph (1), the Inspectorate shall perform the tasks and exercise the powers specified in the Personal Data Protection Act.

(3) (Renumbered from Paragraph (2), SG No. 17/2019) The Inspectorate shall adopt decisions by a majority of more than one-half of its members.

#### **Article 55**

(1) (Amended, SG No. 33/2009, SG No. 62/2016, effective 9.08.2016, SG No. 17/2019) In the implementation of its operation, the Inspectorate shall be assisted by an administration. The staff size of the administration may not exceed the number of inspectors, including the Inspector General, by a factor of five.

(2) (Amended, SG No. 33/2009, supplemented, SG No. 62/2016, effective 9.08.2016) In addition to the administration under Paragraph (1), experts who have practised law for at least five years and meet the requirements of Article 18 (1) shall be appointed at the Inspectorate by competition, and experts holding a university degree in economics or another appropriate subject, who have at least five years of appropriate experience and meet the requirements of Article 18 (1), shall be appointed by a competition for the discharge of the powers under Item 8 of Article 54 (1).

(3) (Amended, SG No. 33/2009, SG No. 62/2016, effective 9.08.2016) The competition under Paragraph (2) shall be held according to selection rules and methodology approved by the Inspector General and shall furthermore include the conduct of a check according to the procedure established by the Access to and Disclosure of the Documents and Announcing the Affiliation of Bulgarian Citizens with the State Security Service and the Intelligence Services of

the Bulgarian Popular Army Act for the candidates born before 16 July 1973. Prior to the appointment thereof, the experts shall undergo integrity testing and declare consent to be subjected periodically to such testing while occupying the position thereof.

(4) (Amended, SG No. 33/2009, SG No. 62/2016, effective 9.08.2016) The integrity testing under Paragraph (3) shall include a verification of the declared facts and circumstances related to the property status and a conflict of interest.

(5) (New, SG No. 62/2016, effective 9.08.2016) The integrity testing of experts, including the obligation to disclose financial interests, shall be implemented according to rules adopted by the Inspectorate, which shall be published on the website thereof.

(6) (New, SG No. 62/2016, effective 9.08.2016) A failure to undergo integrity testing shall be grounds for release from office.

(7) (New, SG No. 62/2016, effective 9.08.2016) Experts at the Inspectorate shall be appointed and released by the Inspector General. The remuneration of the said inspectors shall be not lower than the remuneration of a district court judge and not higher than the remuneration of a regional court judge.

(8) (New, SG No. 33/2009, renumbered from Paragraph 5, SG No. 62/2016, effective 9.08.2016) The Inspectorate shall adopt rules of organisation of the operation thereof and of the operation of the administration and the experts, which shall be promulgated in the State Gazette.

#### **Article 56**

(1) The Inspectorate shall act by means of inspections envisaged in its annual programme or prompted by alerts.

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

(3) The Inspector General shall issue an order establishing the procedure for the carrying out of inspections.

#### **Article 57**

(1) The Inspectorate shall act by means of inspections envisaged in its annual programme or prompted by alerts.

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

(3) The Inspector General shall issue an order establishing the procedure for the carrying out of inspections.

#### **Article 58**

(1) Inspections shall be assigned by an order of the Inspector General which shall set out:

1. the judicial authority, the judge, prosecutor or investigating magistrate to be inspected, the objectives and the time limit set for the conduct of the inspection;

2. the name of the inspecting officer under Article 56 (2);

3. the names of the experts who assist the inspecting officer;

4. the time limit for drafting the written statement setting out the results of the inspection.

(2) The written statement setting out the results of the inspection shall contain the findings of the inspection as carried out and, where necessary, recommendations and a time limit for their implementation.

(3) (Supplemented, SG No. 62/2016, effective 9.08.2016) The written statement setting out the results of the inspection shall be provided to the inspected judge, prosecutor or investigating magistrate, as well as to the administrative head of the judicial authority concerned. They may lodge objections within seven days from the service of the written statement and submit the said objections to the Inspector General, who shall render a reasoned decision on the objections raised.

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

#### **Article 59**

(Supplemented, SG No. 62/2016, effective 9.08.2016)

The administrative heads of judicial authorities shall be bound to cooperate with the Inspector General and the inspectors in the discharge of the powers thereof and to afford them access to materials required for the implementation of the said powers. The administrative heads shall be bound to provide information to the Inspector General and the inspectors about the actions they have taken on each alert or proposal transmitted thereto by the Inspectorate.

#### **Article 60**

(1) The Inspector General shall also provide overall organisational and methodological guidance to the operation of the Inspectorate, and to this end:

1. shall representing the Inspectorate and designate a replacement during the absence thereof;

2. (amended, SG No. 15/2013, effective 1.01.2014) shall dispose of the funds on the budget of the Inspectorate;

3. shall exercise control over the activity of inspectors;

4. (supplemented, SG No. 62/2016, effective 9.08.2016) shall organise the publication of a

bulletin setting out the results of inspections, which shall be published on the website of the Inspectorate with the Supreme Judicial Council;

5. shall conclude and terminate employment contracts with experts and employees of the Inspectorate administration;

6. shall organise the upgrading of the qualifications of inspectors and of the Inspectorate administration.

(2) (Repealed, SG No. 28/2016).

**Chapter Three A**  
**(New, SG No. 50/2012)**  
**EXAMINING APPLICATIONS AGAINST**  
**INFRINGEMENT OF RIGHT TO HAVE CASE**  
**EXAMINED AND**  
**DISPOSED WITHIN REASONABLE TIME**

**Section I**  
**(New, SG No. 50/2012)**  
**General Provisions**

**Article 60a**

(New, SG No. 50/2012, effective 1.10.2012)

(1) This Chapter shall establish a procedure for the examination of applications submitted by citizens or legal persons against instruments, actions or omissions of the judicial authorities which infringe the right of the citizen or legal person to have the case thereof heard and disposed of within a reasonable time.

(2) The applications under Paragraph (1) shall be submitted by citizens or legal persons who are:

1. parties to completed civil, administrative or criminal proceedings;
2. accused parties, victims or aggrieved legal persons in terminated pre-trial proceedings;

(3) This Chapter shall furthermore establish a procedure for the determination and payment of compensation in compliance with the case-law of the European Court of Human Rights of an amount not exceeding BGN 10,000.

(4) The applications under Paragraph (1) shall be submitted within six months from the close of the relevant proceedings by a definitive instrument care of the Inspectorate with the

Supreme Judicial Council to the Ministry of Justice.

(5) A separate register shall be established for such applications and shall be published on the website of the Inspectorate with the Supreme Judicial Council.

(6) No fee shall be paid for the examination of applications according to the procedure established by this Chapter.

## **Section II** **(New, SG No. 50/2012)** **Application: Content and Verification**

### **Article 60b**

(New, SG No. 50/2012, effective 1.10.2012)

(1) Applications shall be written in Bulgarian and shall state:

1. names as written in an identity document; Standard Public Registry Personal Number and address, telephone, fax and e-mail (if any): applicable to Bulgarian nationals;

2. names as written in an identity document; a personal foreigner number and address, telephone, fax and e-mail (if any): applicable to foreigners;

3. the name of the merchant or legal person written in Bulgarian, the registered office and the last address of the place of management as stated in the relevant register and the electronic address thereof;

4. referral to the instrument, action or omission whereby the authority concerned has committed the infringement;

5. the authority whereto the application is submitted;

6. the substance of the claim;

7. the applicant's signature.

(2) Applicants shall enclose a declaration to the effect that they have not claimed compensation for the same infringement and that no compensation has been paid thereto under a different procedure.

## **Section III** **(New, SG No. 50/2012)** **Application Review Procedure**

### **Article 60c**

(New, SG No. 50/2012)

(1) Applications under Article 60a (1) shall be verified by the Inspectorate with the Supreme Judicial Council, wherewith a specialised unit shall be established.

(2) (Amended, SG No. 62/2016, effective 9.08.2016) Jurists who have practised law for at least five years shall be appointed experts at the specialised unit. The remuneration of the said inspectors shall be not lower than the remuneration of a district court judge and not higher than the remuneration of a regional court judge.

(3) (Effective 1.10.2012 - SG No. 50/2012) The Inspector General shall distribute the applications received on the basis of the random selection principle to a team of one inspector and two experts, designating one of the experts as rapporteur.

(4) (Effective 1.10.2012 - SG No. 50/2012) If an application does not meet the requirements of Article 60b (1) and (2), a notification shall be transmitted to the applicant to rectify the irregularities within seven days from the receipt of the notification.

(5) (Effective 1.10.2012 - SG No. 50/2012) If the applicant fails to rectify the irregularities, the application shall be returned along with its enclosures.

#### **Article 60d**

(New, SG No. 50/2012, effective 1.10.2012)

(1) A memorandum of ascertainment shall be drawn up on the results of the verification.

(2) The memorandum shall be signed by the members of the inspecting team and shall include information about:

1. the place and time of executing the statement;
2. the applicant;
3. the inspecting team;
4. the case in which the memorandum is drawn up;

5. the total duration of the proceedings; the period of delay which falls within the responsibility of the competent authority; the period of delay which is caused by actions or omissions of applicants or their legal representative or representing counsel.

(3) The memorandum of ascertainment shall also reflect the opinion of the inspecting team as to whether the time limit under Article 60a (4) has been observed.

#### **Article 60e**

(New, SG No. 50/2012, effective 1.10.2012)

The memorandum of ascertainment under Article 60d shall be drafted within four months

from the date when it was received or the date when any irregularities therein were rectified. The memorandum together with the application and all accompanying documents received shall be immediately transmitted to the Minister of Justice.

#### **Article 60f**

(New, SG No. 50/2012, effective 1.10.2012)

(1) On the basis of the facts and circumstances established by the inspecting team, the Minister of Justice or a person empowered thereby shall reject the application as being unfounded where:

1. the duration of the proceedings does not exceed the reasonable time limit;
2. the delay is caused by acts or omissions of applicants or their legal representative or counsel.

(2) Where an applicant's right to have the case thereof heard and disposed of within a reasonable time has been infringed, the Minister of Justice or a person empowered thereby shall determine the amount of compensation according to the policy of the European Court of Human Rights and shall propose a settlement with the applicant.

#### **Article 60g**

(New, SG No. 50/2012, effective 1.10.2012)

The verification of the circumstances and the pronouncement on the application shall be implemented within six months from the receipt of the said application.

## **Section IV** **(New, SG No. 50/2012)** **Payment of Compensation**

#### **Article 60h**

(New, SG No. 50/2012, effective 1.10.2012)

Compensation shall be paid on the basis of the signed settlement agreement.

#### **Article 60i**

(New, SG No. 50/2012, effective 1.10.2012, amended, SG No. 15/2013, effective 1.01.2014)

The funds necessary to pay the sums under signed settlement agreements shall be covered by the State budget.

#### **Article 60j**

(New, SG No. 50/2012, effective 1.10.2012, amended, SG No. 107/2014, effective 1.01.2015)

The Council of Ministers shall approve additional expenditure in the budget of the Ministry of Justice up to the amount of the compensations under Article 60j actually paid during the corresponding quarter, by changing its budget relationships with the central budget.

#### **Article 60k**

(New, SG No. 50/2012, effective 1.10.2012)

Persons who have received compensation according to the procedure established by this Chapter may not seek compensation on the same ground by legal action.

### **Section V**

**(New, SG No. 50/2012)**

## **Measures to Eliminate Reasons for Infringements**

#### **Article 60l**

(New, SG No. 50/2012, effective 1.10.2012)

(1) On a quarterly basis, the Inspector General shall transmit information about any infringements that have been identified to the Supreme Judicial Council and information about any payments of compensation to the Minister of Justice.

(2) Every six months, the Supreme Judicial Council shall analyse the reasons for infringements and shall adopt measures to rectify them.

(3) The Supreme Judicial Council shall publish the information under Paragraphs (1) and (2) on its website.

## **Chapter Four COURTS**

### **Section I General provisions**

#### **Article 61**

(1) (Amended, SG No. 1/2011, effective 4.01.2011)

The courts in the Republic of Bulgaria shall be district, regional, administrative, military, appellate, a specialised criminal court, an appellate specialised criminal court, 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 judicial districts of the district, regional, administrative, military and appellate courts may not be coextensive with the administrative divisions of the territory of the country.

#### **Article 63**

(1) (Amended, SG No. 1/2011, effective 4.01.2011) The district, regional, administrative, the specialised criminal court and the military courts shall examine at first instance the cases specified by law.

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

(5) (New, SG No. 1/2011, effective 4.01.2011) The appellate specialised criminal court shall examine as second instance the appealed instruments in cases of the specialised criminal court.

(6) (Renumbered from Paragraph 5, SG No. 1/2011, effective 4.01.2011) The military appellate court shall examine at second instance the appealed instruments in cases of the military courts.

(7) (Renumbered from Paragraph 6, SG No. 1/2011, effective 4.01.2011) The Supreme Court of Cassation shall act as a cassation instance in respect of judicial instruments specified by law and shall also examine other cases specified by law.

(8) (Renumbered from Paragraph 7, SG No. 1/2011, effective 4.01.2011, supplemented, SG No. 29/2019) The Supreme Administrative Court shall examine at first instance the instruments specified by law and act as a cassation instance in respect of the appealed instruments in cases of the administrative courts and of instruments in cases of a three-judge panel of the Supreme Administrative Court for which cassation appeal is provided.

(9) (Renumbered from Paragraph 8, SG No. 1/2011, effective 4.01.2011) 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) (Amended, SG No. 33/2009, supplemented, SG No. 63/2017, effective 5.11.2017, amended, SG No. 17/2019) The instruments of the courts, with the exception of such in criminal cases whereby the defendant has been sentenced to suffer a relevant penal sanction, shall be published on the website of the respective court as soon as they are rendered in conformity with the requirements for personal data protection and the Classified Information Protection Act.

(2) (New, SG No. 63/2017, effective 5.11.2017) The judgments whereby the sentences have become enforceable shall be published on the website of the respective court after receipt of a notification from the prosecutor that action has been taken to execute the said sentences.

(3) (New, SG No. 81/2011, renumbered from Paragraph (2), SG No. 63/2017, effective 5.11.2017) The instruments referred to in Paragraph (1) shall be published in a way not making it possible to identify the natural persons mentioned in such instruments.

(4) (Renumbered from Paragraph (2), SG No. 81/2011, renumbered from Paragraph (3), SG No. 63/2017, effective 5.11.2017) The instruments in cases affecting the civil or health status of persons shall be published without their reasoning.

#### **Article 65**

All courts shall be public-financed legal persons.

## **Section II**

### **Court assessors**

#### **Article 66**

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

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

#### **Article 67**

(1) (Amended, SG No. 1/2011, effective 4.01.2011, SG No. 62/2016, effective 9.08.2016) Eligibility for a court assessor shall be limited to Bulgarian citizens of full capacity to act who:

1. are aged between 21 and 68 years;
2. have a present address in a municipality which falls within the judicial district of the court for which they apply;
3. have completed at least secondary education;
4. have not been convicted for an intentional criminal offence, notwithstanding any subsequent rehabilitation;
5. do not suffer from mental illnesses.

(2) (Amended, SG No. 1/2011, effective 4.01.2011) Court assessors in military courts may be generals (admirals), commissioned officers and non-commissioned officers in military service.

(3) (New, SG No. 62/2016, effective 9.08.2016) The following shall be disqualified from serving as court assessors:

1. court assessors in another court;

2. municipal councillors of the judicial district for which they have been elected;

3. members of the leadership of a political party, coalition or organisation pursuing political purposes;

4. employees of a court, prosecution office, investigating authorities, the Ministry of Interior or of other authorities of the national security system, located in the judicial district for which they have been elected.

**Article 67a**

(New, SG No. 62/2016, effective 9.08.2016)

(1) Not later than eight months before the expiry of the term of office of the court assessors, the general assemblies under Article 68b shall determine the number of court assessors for the relevant court, taking into consideration:

1. the number of cases which each first-instance court examined during the previous year with court assessors;

2. the opinion of the chairperson of each first-instance court as to whether such cases tend to increase or decrease.

(2) Under the terms established by Paragraph (1), the general assembly of judges of the appellate specialised criminal court shall determine the number of court assessors for the specialised criminal court, who are elected by the Sofia Municipal Council.

(3) The number of candidates nominated by the municipal councils for court assessors may not be less than the number of court assessors for the relevant court as determined by the general assemblies under Article 68b.

**Article 67b**

(New, SG No. 62/2016, effective 9.08.2016)

Within six months before the expiry of the term of office of the court assessors, the chairpersons of the regional and appellate courts and of the appellate specialised criminal court shall notify the municipal councils of the number of court assessors who must be elected.

**Article 68**

(Supplemented, SG No. 1/2011, effective 4.01.2011, amended, SG No. 62/2016, effective 9.08.2016)

(1) Within five months before the expiry of the term of office of the court assessors, the municipal councils which are located within the judicial district of the respective court shall announce the initiation of the procedure for designation of court assessors and the rules for the conduct of the said procedure in one local daily newspaper, in the electronic media, on the websites of the municipalities and municipal councils concerned or, where such are not available, in another appropriate manner. Within the same time limit, the municipal councils shall elect commissions which shall verify the documents of the candidates for court assessors and shall draw up a report.

(2) Each Bulgarian citizen, who meets the requirements under Article 67 (1), may apply for

the office of court assessor.

(3) The candidates for court assessors shall submit the following to the municipal councils which are located within the judicial district of the respective court:

1. a detailed curriculum vitae signed by the candidate;
2. a notarised copy of the diploma of completed education;
3. (repealed, SG No. 103/2017, effective 1.01.2018);
4. a medical certificate to the effect that the person does not suffer from a mental illness;
5. contact details of two persons whom the municipal councils may approach for references;
6. a motivation letter;
7. written consent;
8. a declaration of non-existence of the circumstances under Article 67 (3);
9. a document on a check conducted according to the procedure established by the Access to and Disclosure of the Documents and Announcing the Affiliation of Bulgarian Citizens with the State Security Service and the Intelligence Services of the Bulgarian Popular Army Act, if they were born before 16 July 1973.

(4) (New, SG No. 103/2017, effective 1.01.2018) The circumstance under Article 67, Paragraph (1), item 4 shall be established ex officio.

(5) (Renumbered from Paragraph 4, SG No. 103/2017, effective 1.01.2018) The list of the candidates admitted to entry, together with the curricula vitae thereof, motivation letters and references and documents under Item 9 of Paragraph (3), shall be published on the website of the municipal council at least 14 days prior to the date of the hearing under Article 68a. At least 10 per cent of the persons who are included in the list must be qualified in the field of pedagogy, psychology and social activities.

#### **Article 68a**

(New, SG No. 62/2016, effective 9.08.2016)

(1) The municipal councils or committees designated thereby shall hear each of the candidates admitted at a public meeting, and each member of the municipal council shall be able to ask questions thereat.

(2) Not later than three working days prior to the hearing, non-profit legal entities designated for the pursuit of public benefit activities may submit opinions about a candidate to the municipal council, including questions to be put to the put to the said candidate. Anonymous opinions and alerts shall be ignored.

(3) Where the hearing has been conducted by a committee, the said committee shall draw up a report on the progress of the hearing, which shall be submitted to the municipal council within seven days before the vote and shall be published on the website of the municipal council together with the record of the hearing.

(4) Sitting in public session, the municipal councils shall determine, by a majority of more than one-half of the members present, the candidates for court assessors whom they nominate for election by the general assemblies of the regional and appellate courts, and the Sofia Municipal Council shall furthermore nominate such candidates for election by the general assembly of the appellate specialised criminal court.

#### **Article 68b**

(New, SG No. 62/2016, effective 9.08.2016)

Court assessors shall be elected for:

1. the district courts: by the general assembly of judges of the respective regional court;
2. the regional courts: by the general assembly of judges of the respective appellate court;
3. the specialised criminal court: by the general assembly of judges of the appellate specialised criminal court.

**Article 68c**

(New, SG No. 62/2016, effective 9.08.2016)

Within three months from the expiry of the term of office of the court assessors, the municipal councils shall transmit the list of candidates for court assessors accompanied by a copy of the resolutions thereof and the documents under Article 68 (3):

1. to the chairperson of the competent regional court: applicable to the district courts;
2. to the chairperson of the competent appellate court: applicable to the regional courts;
3. to the chairperson of the appellate specialised criminal court: applicable to the appellate specialised criminal court.

**Article 68d**

(New, SG No. 62/2016, effective 9.08.2016)

(1) Court assessors at military courts shall be elected on a nomination by the commanding officers of the military units by the general assembly of judges of the military appellate court.

(2) The general assembly of judges of the military appellate court shall determine the number of court assessors for the military courts, who must be nominated by the commanding officers of the military units. The number of court assessors must be distributed among the military courts in the same proportion as the number of service persons in the judicial districts of the military courts.

(3) The commanding officers of the military units may nominate additional persons whose number shall not exceed the number determined for the respective military court by 20 per cent.

(4) Within three months, the commanding officers of the military units shall transmit a list of the candidates for court assessors nominated thereby to the chairperson of the military appellate court. The documents under Article 68 (3) shall be enclosed with the nominations.

(5) The general assembly of judges of the military appellate court shall consider the nominations submitted and shall elect the court assessors.

**Article 68e**

(New, SG No. 62/2016, effective 9.08.2016)

(1) The chairpersons of the regional and appellate courts and of the appellate specialised criminal court shall establish a commission, which shall verify the conformity of the candidates for court assessors nominated by the municipal councils with the requirements of Article 67 (1).

(2) The candidates, who conform to the requirements and are elected, shall take an oath before the general assembly of judges at the respective district, regional, military and specialised criminal court.

(3) The list of court assessors who have been elected and have taken an oath shall be published on the website of the respective court.

**Article 68f**

(New, SG No. 62/2016, effective 9.08.2016)

Where the commission establishes that the candidates conforming to the requirements of Article 67 (1), nominated by the municipal councils, are fewer than the number determined under Article 67a, the chairperson of the respective court shall transmit a request to the municipal councils to complement the list of candidates for court assessors within one month from the receipt of the request.

**Article 69**

(Supplemented, SG No. 1/2011, effective 4.01.2011, amended, SG No. 62/2016, effective 9.08.2016)

(1) Court assessors shall have a four-year term of office which shall begin to run as from the date of taking the oath.

(2) Court assessors may not be elected for more than two successive terms of office at the same court.

(3) If the examination of cases in which court assessors participate continues after the period under Paragraph (1), the participation thereof under the cases concerned shall continue until the disposal of the said cases at court of the relevant instance.

**Article 70**

(Amended, SG No. 62/2016, effective 9.08.2016)

(1) Court assessors shall be bound immediately to inform the administrative head of the respective court in case they are constituted as accused parties.

(2) The administrative head of the respective court shall conduct an ex officio check of the conviction status of court assessors once every six months.

**Article 71**

(1) (Previous text of Article 71, SG No. 62/2016, effective 9.08.2016) A court assessor shall be released early by the respective general assembly, acting on a proposal by the chairperson of the court:

1. at his or her own request;
2. when interdicted;
3. when convicted for an intentional criminal offence;
4. where continuously unable to discharge the duties thereof for more than one year;
5. (supplemented, SG No. 62/2016, effective 9.08.2016) where he or she commits a serious breach of the duties thereof or systematically fails to discharge the said duties, or performs an act damaging the prestige of the Judiciary, including where the prestige of the Judiciary is damaged

consequent to him or her being constituted as a party accused of an intentional criminal offence;

6. (new, SG No. 62/2016, effective 9.08.2016) in case he or she is constituted as a party accused of an intentional criminal offence in connection with the discharge of functions in the administration of justice;

7. (new, SG No. 62/2016, effective 9.08.2016) where any circumstance under Article 67 (3) arises or is ascertained.

(2) (New, SG No. 62/2016, effective 9.08.2016) The proposal for an early release of a court assessor must be provided to the members of the general assembly of judges not later than three days before the holding of the assembly.

(3) (New, SG No. 62/2016, effective 9.08.2016) A duplicate copy of the minutes containing the decisions of the general assembly shall be transmitted to the court assessor, to the municipal council concerned, or to the commanding officer of a military unit concerned.

#### **Article 72**

(1) Court assessors shall be summoned to sit at court hearings by the chairperson of the court for up to 60 days within a calendar year, unless the examination of the case in which they take part continues even after the end of this period.

(2) (Amended, SG No. 62/2016, effective 9.08.2016) Regular and alternate court assessors shall be designated for each case on the basis of the random selection principle through electronic assignment.

#### **Article 73**

(Amended, SG No. 62/2016, effective 9.08.2016)

(1) For the time during which court assessors discharge the functions thereof and the duties related thereto, they shall be paid remuneration from the Judiciary budget.

(2) (Amended, SG No. 13/2017) The remuneration of court assessors for each day of hearings shall be set on the basis of the actually worked hours of the day, which correspond to the duration of the court hearing until the judicial instrument is made public, including for a fraction of an hour. In case the court hearing is adjourned, court assessors shall be paid remuneration, calculated according to the procedure established by Paragraph (4).

(3) The remuneration shall be paid monthly for all days of hearings of the month concerned.

(4) The amount of remuneration of court assessors per day shall equal one-twenty-second of 60 per cent of the basic salary of a district judge, of a regional judge or of a military court judge, respectively, but not less than BGN 20 per day.

(5) Court assessors shall be reimbursed for the costs of transports which they have incurred in connection with the appearance at court hearings.

(6) Within three months from the taking of the oath, the court administrator or the administrative secretary of the respective court and the National Institute of Justice shall organise and deliver initial training to the court assessors.

#### **Article 74**

(1) The chairperson of the court may, by an order, impose a fine of BGN 50 or exceeding this amount but not exceeding BGN 500, on a court assessor for a failure to discharge the duties thereof, after affording the said assessor an opportunity to account for the conduct thereof.

(2) Acting on an appeal from the sanctioned court assessor, the chairperson of the upper court may revoke the order under Paragraph (1) or reduce the amount of the fine.

**Article 75**

(Declared unconstitutional with Judgment No. 10 of the Constitutional Court of the Republic of Bulgaria, SG No. 93/2011)

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(1) (Previous text of Article 75, amended, SG No. 1/2011, effective 4.01.2011) The Supreme Judicial Council, shall adopt an ordinance determining:

1. the procedure for nominating court assessors;
2. the remuneration of court assessors;
3. other organisational matters related to court assessors.

(2) (New, SG No. 1/2011, effective 4.01.2011) The ordinance under Paragraph (1) shall be promulgated in the State Gazette.

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**Article 75a**

(New, SG No. 62/2016, effective 9.08.2016)

The Plenum of the Supreme Judicial Council shall adopt an ordinance determining:

1. the terms and procedure for determining the number of court assessors, as well as the alternate court assessors for each court;
2. ethical rules of conduct of court assessors;
3. other organisational matters related to the activity of court assessors.

## **Section III**

### **District courts**

**Article 76**

The district 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 district court shall be composed of judges and headed by a chairperson.
- (2) Divisions may be set up at the district court.
- (3) There shall be a conviction status record office at each district court.
- (4) (Supplemented, SG No. 50/2012, amended, SG No. 50/2016, effective 1.07.2016) The functions and the arrangements of the operation of the conviction status record offices, including the submission of applications for the issuance of conviction status certificates and of conviction

status records in electronic form, as well as the control of the operation of the said office, shall be regulated by an ordinance of the Minister of Justice.

(5) (New, SG No. 103/2017, effective 1.01.2018) Where a statutory instrument requires from an administrative authority or another state body to establish by official channels circumstances relating to the previous conviction status of citizens, conviction status record offices shall be obliged to provide such information. The conditions and procedure for exchange of such information shall be regulated by the ordinance referred to in Paragraph 4.

#### **Article 78**

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

#### **Article 79**

(1) (Supplemented, SG No. 62/2016, effective 9.08.2016) In a district court which has at least three judges, the general assembly shall consist of all judges, with the seconded judges attending in a non-voting capacity. Where the number of judges is less than three, they shall take part in the general assembly of another district court in the same judicial district designated by the chairperson of the regional court. The public enforcement agents and the recording magistrates shall likewise attend the general assembly in a non-voting capacity where matters concerning the activity thereof are considered.

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

1. analyse and summarise the case-law of the court;
2. (new, SG No. 62/2016, effective 9.08.2016) be competent to nominate candidates for appointment as chairperson of the court concerned and to hear all candidates;
3. (new, SG No. 62/2016, effective 9.08.2016) hear the candidates nominated by the chairperson of the court for deputies thereof and be competent to express an opinion regarding the nominations;
4. (new, SG No. 62/2016, effective 9.08.2016) determine the number and panels of the divisions, if any, as well as the specialisation thereof by subject matter;
5. (new, SG No. 62/2016, effective 9.08.2016) give opinions on requests for the adoption of interpretative judgments and interpretative decrees concerning the activity of the district courts;
6. (new, SG No. 62/2016, effective 9.08.2016) discuss annually the report of the chairperson on the activity of the court;
7. (new, SG No. 62/2016, effective 9.08.2016) submit opinions to the Council of Ministers and to the National Assembly on bills concerning the activity of district courts;
8. (new, SG No. 62/2016, effective 9.08.2016) adopt internal rules of organisation of the

operation thereof;

9. (new, SG No. 62/2016, effective 9.08.2016) adopt rules for determining the caseload of the chairperson of the court, of the deputies thereof, of the chairpersons of divisions, if any, of the judges of the district court who are assigned to discharge organisational functions, as well as where so prescribed by the health authorities;

10. (renumbered from Item 2, SG No. 62/2016, effective 9.08.2016) consider other matters on a motion by the chairperson of the court or by a member of the general assembly.

(3) (Amended and supplemented, SG No. 62/2016, effective 9.08.2016) The general assembly may express opinions on matters related to the organisation of operation of the court which fall within the competence of the chairperson of the district court where a motion has been entered by not less than one-third of the judges.

(4) (New, SG No. 1/2011, effective 4.01.2011) The general assembly may also be convened at the request of not less than one-third of all judges.

(5) (Renumbered from Paragraph 4, SG No. 1/2011, effective 4.01.2011) A general assembly shall take place where more than one-half of all judges are present thereat and shall adopt decisions by a majority of more than one-half of the judges present.

(6) (New, SG No. 62/2016, effective 9.08.2016) Seconded judges shall attend the general assemblies of the court wherefrom they are seconded with a right to vote.

#### **Article 80**

(1) (Amended, SG No. 62/2016, effective 9.08.2016) The chairperson of the regional court shall implement overall organisational and administrative direction of the regional court and, to this end shall:

1. (amended, SG No. 62/2016, effective 9.08.2016) represent the court as a legal person and a judicial authority;

2. (amended, SG No. 33/2009, SG No. 28/2016, SG No. 62/2016, effective 9.08.2016) organise the work of judges and court assessors;

3. (amended, SG No. 62/2016, effective 9.08.2016) convene and preside over the general assembly of the court;

4. (amended, SG No. 62/2016, effective 9.08.2016) sit at court hearings in conformity with the random selection upon the assignment of cases;

5. (amended, SG No. 62/2016, effective 9.08.2016) move to the general assembly the allocation of judges by divisions, if any;

6. (amended, SG No. 62/2016, effective 9.08.2016) acting on a motion by the general

assembly, designate the chairpersons of divisions, if any, for a term of five years;

7. (repealed, SG No. 33/2009);

8. (amended, SG No. 62/2016, effective 9.08.2016) direct and control the operation of the conviction status record office with the court, of the public enforcement agents, the recording magistrates and the judicial assistants;

9. (amended, SG No. 62/2016, effective 9.08.2016) appoint and release from office the employees at the court and organise the work of the various services;

10. (amended, SG No. 62/2016, effective 9.08.2016) notify the Minister of Justice of the vacant positions for public enforcement agents and recording magistrates;

11. (amended, SG No. 62/2016, effective 9.08.2016) approve the staffing schedule of the administration of the court after the said schedule is discussed by the general assembly of the court;

12. (new, SG No. 62/2016, effective 9.08.2016) draw up an annual report on the activity of the court and submit the said report by 31 January to the chairperson of the regional court for incorporation into the annual report;

13. (new, SG No. 62/2016, effective 9.08.2016) at the end of each six-month period, provide the Inspectorate with the Supreme Judicial Council with summarised information about the institution, progress and disposal of cases by judges, as well as about the instruments that have been conclusively reversed by the upper instances, and the Minister of Justice with information about the institution, progress and disposal of case files and cases by public enforcement agents and by recording magistrates;

14. (new, SG No. 62/2016, effective 9.08.2016) provide information, reference briefs and statistics in electronic form, using standard forms and within time limits endorsed by the Judges Chamber of the Supreme Judicial Council, and submit these to the Judges Chamber of the Supreme Judicial Council and to the Minister of Justice;

15. (new, SG No. 62/2016, effective 9.08.2016, amended, SG No. 17/2019) organise the publishing of the instruments of the court on the website of the regional court in conformity with the requirements for personal data protection;

16. (new, SG No. 62/2016, effective 9.08.2016) publish the annual report on the activity of the court on the website of the district court within one month from the submission of the said report to the chairperson of the regional court;

17. (new, SG No. 62/2016, effective 9.08.2016) determine the caseload under Item 9 of Article 79 (2) in accordance with the rules as adopted.

(2) (Amended, SG No. 29/2019) The orders of the chairperson and the rules regarding

working arrangements of the court approved by the chairperson shall be binding on all judges and employees thereat.

#### **Article 81**

(1) (Amended, SG No. 33/2009, amended and supplemented, SG No. 62/2016, effective 9.08.2016, amended, SG No. 90/2017) Where a regional court judge is prevented from discharging the office thereof and cannot be replaced by another judge of the same court, the chairperson of the respective district court may second in his or her stead a judge of another regional court, a judge of the district court, or a junior judge with a service record of not less than two years. Such secondment shall take place in conformity with the terms established by Article 227. As an exception, such secondment may take place to an unoccupied position as well in conformity with the terms established by Article 227 (2) to (9).

(2) Where such secondment is impossible, the chairperson of the appellate court may second a judge from the judicial district of another regional court under the terms established by Paragraph (1).

(3) (New, SG No. 33/2009) Where secondment under Paragraphs (1) and (2) is impossible, the Chairperson of the Supreme Court of Cassation may second a judge from the judicial district of another appellate court.

(4) (Renumbered from Paragraph 3, supplemented, SG No. 33/2009, repealed, SG No. 62/2016, effective 9.08.2016).

## **Section IV**

### **Regional court**

#### **Article 82**

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

(2) (Supplemented, SG No. 62/2016, effective 9.08.2016, amended, SG No. 29/2019) In cases set out in Paragraph (1), only one of the regional 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 regional court shall consist of judges and junior judges and shall be headed by a chairperson.

(2) By decision of the general assembly of judges, divisions may be established at the regional court, which shall be headed by the chairperson or by the deputies thereof.

**Article 85**

(1) (Supplemented, SG No. 62/2016, effective 9.08.2016) The regional court shall have a general assembly, which shall consist of all judges, with the seconded judges attending in a non-voting capacity.

(2) Junior judges and the chairpersons of district courts shall attend the general assembly but shall not vote.

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

1. (amended, SG No. 62/2016, effective 9.08.2016) determine the number and panels of the divisions, if any, as well as the specialisation thereof by subject matter;

2. (new, SG No. 62/2016, effective 9.08.2016) be competent to nominate candidates for appointment as chairperson of the court concerned and to hear all candidates;

3. (new, SG No. 62/2016, effective 9.08.2016) hear the candidates nominated by the chairperson of the court for deputies thereof and be competent to express an opinion regarding the nominations;

4. (new, SG No. 62/2016, effective 9.08.2016) discuss the annual report of the chairperson on the activity of the court;

5. (new, SG No. 62/2016, effective 9.08.2016) submit opinions to the Council of Ministers and to the National Assembly on bills concerning the activity of regional courts;

6. (new, SG No. 62/2016, effective 9.08.2016) adopt internal rules of organisation of the operation thereof;

7. (new, SG No. 62/2016, effective 9.08.2016) adopt rules for determining the caseload of the chairperson of the court, of the deputies thereof, of the chairpersons of divisions, if any, of the judges of the regional court who are assigned to discharge organisational functions, as well as where so prescribed by the health authorities;

8. (renumbered from Item 2, SG No. 62/2016, effective 9.08.2016) analyse and summarise the case-law of the regional court and of the district courts within the judicial district thereof;

9. (renumbered from Item 3, SG No. 62/2016, effective 9.08.2016) examine periodically the state of crime and other breaches of the law and summarise the experience of the regional court and of the district courts within its judicial district;

10. (renumbered from Item 4, SG No. 62/2016, effective 9.08.2016) give an opinion on requests for the adoption of interpretative judgements or interpretative decrees;

11. (renumbered from Item 5, SG No. 62/2016, effective 9.08.2016) adopt resolutions in other cases provided for by law.

(4) (Amended and supplemented, SG No. 62/2016, effective 9.08.2016) The general assembly may express opinions on matters related to the organisation of operation of the court which fall within the competence of the chairperson of the regional court where a motion has been entered by not less than one-third of the judges.

(5) (New, SG No. 1/2011, effective 4.01.2011) The general assembly shall also be convened at the request of not less than one-third of all judges.

(6) (Renumbered from Paragraph 5, SG No. 1/2011, effective 4.01.2011) A general assembly shall take place where more than one-half of all judges are present thereat and shall adopt decisions by a majority of more than one-half of the judges present.

(7) (New, SG No. 62/2016, effective 9.08.2016) Seconded judges shall attend the general assemblies of the court wherefrom they are seconded with a right to vote.

#### **Article 86**

(1) (Amended, SG No. 33/2009, SG No. 28/2016, SG No. 62/2016, effective 9.08.2016) The chairperson of the regional court shall implement overall organisational and administrative direction of the regional court and, to this end:

1. represent the court as a legal person and a judicial authority;
2. organise the work of judges and court assessors;
3. organise the training of legal interns;
4. acting jointly with the deputies thereof, propose to the plenum the distribution of judges by college and division;
5. acting on a motion by the general assembly, designate the chairpersons of divisions, if any, for a term of five years;
6. carry out in person or assign a judge of the regional court the carrying out of inspections of the organisation of the activity of judges of the district courts, as well as of public enforcement agents and recording magistrates;

7. convene and preside over the general assembly of the court;
8. preside over court panels of all divisions, if any, in conformity with the random selection principle upon the assignment of cases;
9. organise the upgrading of the qualification of judges of the judicial district;
10. convene the judges of the regional court and of the regional courts for a discussion of the reports under Item 15, of the reports from inspections of the district courts and of the opinions on the requests for the rendition of interpretative judgements or interpretative decrees;
11. appoint and release from office the employees at the court and organise the work of the various services;
12. second judges under the terms established by Article 81, as well as public enforcement agents and recording magistrates in the district of the regional court under the terms established by Articles 274 and 290;
13. direct and control the work of judicial assistants;
14. approve the staffing schedule of the administration of the court after the said schedule has been discussed by the general assembly of the regional court;
15. draw up an annual report on the activity of the court and submit the said report by the end of February to the chairperson of the regional court for incorporation into the annual report;
16. at the end of each six-month period, provide the Inspectorate with the Supreme Judicial Council and the Minister of Justice with summarised information about the institution, progress and disposal of first-instance and intermediate-appellate-review cases, as well as about the instruments that have been conclusively reversed by the upper instances;
17. provide information, reference briefs and statistics in electronic form, using standard forms and within time limits endorsed by the Judges Chamber of the Supreme Judicial Council, and submit these to the Judges Chamber of the Supreme Judicial Council and to the Minister of Justice;
18. (amended, SG No. 17/2019) organise the publishing of the instruments of the court on the website of the district court in conformity with the requirements for personal data protection;
19. publish the annual report on the activity of the court on the website of the regional court within one month from the submission of the said report to the chairperson of the appellate court;
20. determine the caseload under Item 7 of Article 85 (3) in accordance with the rules as adopted.

(2) (Amended, SG No. 29/2019) The orders of the chairperson and the rules regarding working arrangements of the court approved by the chairperson shall be binding on all judges and employees thereat.

#### **Article 87**

(1) (Amended, SG No. 33/2009, SG No. 62/2016, effective 9.08.2016, supplemented, SG No. 90/2017) Where a district court judge is prevented from discharging the office thereof and cannot be replaced by another judge of the same court, the chairperson of the appellate court may second in his or her stead a judge of the appellate court, of another district court or a judge of a regional court ranking as a district court judge from the judicial district of the appellate court. Such secondment shall take place in conformity with the terms established by Article 227. As an exception, such secondment may take place to an unoccupied position as well in conformity with the terms established by Article 227 (2) to (9).

(2) (New, SG No. 33/2009, supplemented, SG No. 50/2012) Where secondment under Paragraph (1) is impossible, the Chairperson of the Supreme Court of Cassation may second an appropriately ranking district, regional or appellate judge from the district of another appellate court in conformity with the terms established by Article 227.

(3) (Renumbered from Paragraph 2, supplemented, SG No. 33/2009, repealed, SG No. 62/2016, effective 9.08.2016).

#### **Article 88**

There shall be a city court in Sofia, vested with the powers of a regional 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 districts of the administrative courts shall be identical with the seats and judicial districts of the regional 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) A prosecutor of the administrative department of the respective regional prosecution office shall participate in proceedings before the administrative court in the cases provided for by law.

#### **Article 91**

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

(2) By decision of the general assembly of judges, divisions specialised by subject matter may be established at the administrative court, which shall be headed by the chairperson or the deputies thereof.

#### **Article 92**

(1) (Supplemented, SG No. 62/2016, effective 9.08.2016) The administrative court shall have a general assembly, which shall consist of all judges, with the seconded judges attending in a non-voting capacity.

(2) (Amended, SG No. 62/2016, effective 9.08.2016) The general assembly shall:

1. determine the number and panels of the divisions, if any, as well as the specialisation thereof by subject matter;

2. be competent to nominate candidates for chairperson of the court concerned and hear all candidates;

3. hear the candidates nominated by the chairperson of the court for deputies thereof and be competent to express an opinion regarding the nominations;

4. give opinions on requests for the adoption of interpretative judgments and interpretative decrees concerning the activity of the administrative courts;

5. discuss the annual report of the chairperson on the activity of the court;

6. give opinions to the Council of Ministers and to the National Assembly on bills concerning the activity of the administrative courts;

7. adopt internal rules of organisation of the operation thereof;

8. adopt rules for determining the caseload of the chairperson of the court, of the deputies thereof, of the chairpersons of divisions, if any, of the judges of the administrative court who are assigned to discharge organisational functions, as well as where so prescribed by the health authorities;

9. discuss, at the end of each three-year period, the distribution of judges by divisions, if any such have been established, and propose the said distribution the chairperson of the administrative court;

10. analyse and summarise the case-law of the administrative court;

11. give opinions to the Supreme Administrative Court on requests for the adoption of interpretative judgements and interpretative decrees;

12. adopt decisions in other cases provided for by law.

(3) (Amended and supplemented, SG No. 62/2016, effective 9.08.2016) The general assembly may express opinions on matters related to the organisation of operation of the court which fall within the competence of the chairperson of the administrative court where a motion has been entered by not less than one-third of the judges.

(4) (New, SG No. 1/2011, effective 4.01.2011) The general assembly shall also be convened at the request of not less than one-third of all judges.

(5) (Renumbered from Paragraph 4, SG No. 1/2011, effective 4.01.2011) The general assembly shall take place where more than one-half of all judges are present and shall adopt decisions by a majority of more than one-half of the judges present.

(6) (New, SG No. 62/2016, effective 9.08.2016) Seconded judges shall attend the general assemblies of the court wherefrom they are seconded with a right to vote.

### **Article 93**

(1) (Amended, SG No. 33/2009, SG No. 28/2016, SG No. 62/2016, effective 9.08.2016) The chairperson of the administrative court shall implement overall organisational and administrative direction of the administrative court and, to this end shall:

1. represent the court as a legal person and a judicial authority;
2. organise the work of judges;
3. acting jointly with the deputies thereof, propose to the plenum the distribution of judges by college and division;
4. acting on a motion by the general assembly, designate the chairpersons of divisions, if any, for a term of five years;
5. convene and preside over the general assembly of the court;
6. may preside over court panels of all divisions, if any, in conformity with the random selection principle upon the assignment of cases;
7. appoint and release from office the employees at the court and organise the work of the various services;
8. convene the judges of the administrative court for a discussion of the report under Item 13, and of the requests for adoption of interpretative judgements or interpretative decrees;
9. (repealed, SG No. 49/2018);
10. direct and control the work of judicial assistants;

11. approve the staffing schedule of the administration of the court after the said schedule has been discussed by the general assembly of the administrative court;

12. (amended, SG No. 17/2019) organise the publishing of the instruments of the court on the website of the administrative court in conformity with the requirements for personal data protection;

13. draw up an annual report on the activity of the and submit the said report by the end of February to the Chairperson of the Supreme Administrative Court for incorporation into the annual report;

14. at the end of each six-month period, provide the Inspectorate with the Supreme Judicial Council with summarised information about the institution, progress and disposal of cases, as well as about the instruments that have been conclusively reversed by the upper instances;

15. publish the annual report on the activity of the court on the website of the administrative court within one month from the submission of the said report to the Chairperson of the Supreme Administrative Court;

16. provide information, reference briefs and statistics in electronic form, using standard forms and within time limits endorsed by the Judges Chamber of the Supreme Judicial Council, and submit these to the Judges Chamber of the Supreme Judicial Council and to the Minister of Justice;

17. determine the caseload under Item 8 of Article 92 (2) in accordance with the rules as adopted.

(2) (Amended, SG No. 29/2019) The orders of the chairperson and the rules regarding working arrangements of the court approved by the chairperson shall be binding on all judges and employees thereat.

#### **Article 94**

(1) (Amended, SG No. 33/2009, SG No. 62/2016, effective 9.08.2016, supplemented, SG No. 90/2017, SG No. 49/2018) Where a judge at an administrative court is prevented from discharging his office and cannot 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, a judge from a district court or a judge from a regional court having the rank of a judge from a district court. Such secondment shall take place in conformity with the terms established by Article 227. As an exception, such secondment may take place to an unoccupied position as well in conformity with the terms established by Article 227 (2) to (9).

(2) (Amended, SG No. 33/2009, repealed, SG No. 62/2016, effective 9.08.2016).

## **Section VI**

### **Military court**

## **Article 95**

- (1) The competence of the military court shall be stipulated by law.
- (2) The military court shall have a co-equal status as a regional 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 court panel shall be presided over by the most senior judge.

## **Article 98**

(1) (Supplemented, SG No. 62/2016, effective 9.08.2016) The military court shall have a general assembly, which shall consist of all judges, with the seconded judges attending in a non-voting capacity.

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

(3) (Amended and supplemented, SG No. 62/2016, effective 9.08.2016) The general assembly may express opinions on matters related to the organisation of operation of the court which fall within the competence of the chairperson of the military court where a motion has been entered by not less than one-third of the judges.

(4) (New, SG No. 1/2011, effective 4.01.2011) The general assembly shall also be convened at the request of not less than one-third of all judges.

(5) (Renumbered from Paragraph 4, SG No. 1/2011, effective 4.01.2011) A general assembly of the military court shall take place where more than one-half of all judges are present and it shall adopt decisions by a majority of more than one-half of the judges present.

(6) (New, SG No. 62/2016, effective 9.08.2016) Seconded judges shall attend the general assemblies of the court wherefrom they are seconded with a right to vote.

## **Article 99**

The chairperson of the military court shall be vested with the respective powers of a chairperson of a regional court.

## **Article 100**

(1) (Amended, SG No. 33/2009, supplemented, SG No. 90/2017) Where a military judge is prevented from discharging the office thereof and cannot be replaced by another judge of the same court, the chairperson of the appellate military court may second in his or her stead a judge of another military court. Such secondment shall take place in conformity with the terms

established by Article 227. As an exception, such secondment may take place to an unoccupied position as well in conformity with the terms established by Article 227 (2) to (9).

(2) (Supplemented, SG No. 33/2009, repealed, SG No. 62/2016, effective 9.08.2016).

## **Section VIa** **(New, SG No. 1/2011, effective 4.01.2011)** **Specialised Criminal Court**

### **Article 100a**

(New, SG No. 1/2011, effective 4.01.2011)

(1) The competence of the specialised criminal court shall be determined with an act of parliament.

(2) The specialised criminal court shall have a co-equal status as a regional court and shall be seated in Sofia.

### **Article 100b**

(New, SG No. 1/2011, effective 4.01.2011)

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

### **Article 100c**

(New, SG No. 1/2011, effective 4.01.2011)

(1) The specialised criminal court shall examine cases in a panel of one judge and two court assessors unless the law provides otherwise.

(2) The court panel shall be chaired by the most senior judge in terms of position or rank.

### **Article 100d**

(New, SG No. 1/2011, effective 4.01.2011, amended and supplemented, SG No. 62/2016, effective 9.08.2016)

The specialised criminal court shall have a general assembly consisting of all judges, excluding the seconded judges. The provisions of Article 98 (2) to (6) shall apply to the general assembly.

### **Article 100e**

(New, SG No. 1/2011, effective 4.01.2011)

The chairperson of the specialised criminal court shall be vested with the respective powers of a chairperson of a regional court.

### **Article 100f**

(New, SG No. 1/2011, effective 4.01.2011)

(1) (Amended, SG No. 62/2016, effective 9.08.2016, supplemented, SG No. 90/2017)  
Where a judge of the specialised criminal court is prevented from discharging the office thereof and cannot be replaced by another judge of the same court, the chairperson of the appellate

specialised criminal court may second in his or her stead a judge of the appellate specialised criminal court, a judge of another district or regional court ranking as an appellate court judge, provided the chairperson of the district or regional court concerned consents, in conformity with the terms established by Article 227. As an exception, such secondment may take place to an unoccupied position as well in conformity with the terms established by Article 227 (2) to (9).

(2) (Supplemented, SG No. 50/2012) Where secondment under Paragraph (1) is impossible, the Chairperson of the Supreme Court of Cassation may second an appropriately ranking judge of a district, regional or appellate court in conformity with the terms established by Article 227.

(3) (Repealed, SG No. 62/2016, effective 9.08.2016).

## **Section VII**

### **Appellate court**

#### **Article 101**

(1) The appellate court shall examine cases instituted acting on defence and prosecution appeals against the first-instance instruments of regional courts in the judicial district thereof.

(2) There shall be a single military appellate court, and it shall examine cases instituted acting on defence and prosecution appeals against instruments of the military courts from the entire country.

#### **Article 102**

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

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

#### **Article 103**

By decision of the general assembly of judges, divisions may be established at the appellate court, which shall be headed by the chairperson or the deputies thereof.

#### **Article 104**

(1) (Supplemented, SG No. 62/2016, effective 9.08.2016) The appellate court shall have a general assembly, which shall consist of all judges, with the seconded judges attending in a non-voting capacity. The chairpersons of the regional courts may attend the general assembly but shall not vote.

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

(3) (Amended and supplemented, SG No. 62/2016, effective 9.08.2016) The general assembly may express opinions on matters related to the organisation of operation of the court

which fall within the competence of the chairperson of the appellate court where a motion has been entered by not less than one-third of the judges.

(4) (New, SG No. 1/2011, effective 4.01.2011) The general assembly shall also be convened at the request of not less than one-third of all judges.

(5) (Renumbered from Paragraph 4, SG No. 1/2011, effective 4.01.2011) The general assembly shall take place where more than one-half of all judges are present and shall adopt decisions by a majority of more than one-half of the judges present.

(6) (New, SG No. 62/2016, effective 9.08.2016) Seconded judges shall attend the general assemblies of the court wherefrom they are seconded with a right to vote.

#### **Article 105**

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

#### **Article 106**

(1) (Amended, SG No. 33/2009, SG No. 28/2016, SG No. 62/2016, effective 9.08.2016) The chairperson of the appellate court shall implement overall organisational and administrative direction of the appellate court and, to this end shall:

1. represent the court as a legal person and a judicial authority;
2. organise the work of judges;
3. acting jointly with the deputies thereof, propose to the plenum the distribution of judges by college and division;
4. acting on a motion by the general assembly, designate the chairpersons of divisions, if any, for a term of five years;
5. convene and preside over the general assembly of the court;
6. may preside over court panels of all divisions in conformity with the random selection principle upon the assignment of cases;
7. carry out in person or assign to a judge of the appellate court the carrying out of inspections of the working arrangements of the judges of the regional courts of the judicial district thereof;
8. convene the judges of the appellate court and of the regional courts for a discussion of the report under Item 14, of the reports on inspections and of the requests for the rendition of interpretative judgements and interpretative decrees;
9. second the judges under the terms of Article 107;

10. analyse and summarise the case-law of the appellate court and of the regional courts of the judicial district concerned;

11. direct and control the work of judicial assistants;

12. approve the staffing schedule of the administration of the court after the said schedule has been discussed by the general assembly of the appellate court;

13. appoint and release from office the employees at the court and organise the work of the various services;

14. draw up an annual report on the activity of the appellate court, of the regional courts and of the district courts within the judicial district thereof and submit the said report by 31 March to the Chairperson of the Supreme Court of Cassation for incorporation into the annual report;

15. (amended, SG No. 17/2019) organise the publishing of the instruments of the court on the website of the appellate court in conformity with the requirements for personal data protection;

16. publish the annual report on the activity of the court on the website of the appellate court within one month from the submission of the said report to the Chairperson of the Supreme Court of Cassation;

17. provide information, reference briefs and statistics in electronic form, using standard forms and within time limits endorsed by the Judges Chamber of the Supreme Judicial Council, and submit these to the Judges Chamber of the Supreme Judicial Council and to the Minister of Justice;

18. determine the caseload in accordance with the rules as adopted by the general assembly.

(2) (Amended, SG No. 29/2019) The orders of the chairperson of an appellate court and the rules regarding working arrangements of the court approved by the chairperson shall be binding on all judges and employees thereat.

(3) The chairperson of the military appellate court shall be vested with the respective powers with regard to the military courts.

#### **Article 107**

(1) (Amended, SG No. 33/2009, SG No. 62/2016, effective 9.08.2016, supplemented, SG No. 90/2017) Where a judge of the appellate court is prevented from discharging the office thereof and cannot be replaced by another judge of the same court, the chairperson of the appellate court may second in his or her stead an appropriately ranking judge of the district court in conformity with the terms established by Article 227. As an exception, such secondment may take place to an unoccupied position as well in conformity with the terms established by Article

227 (2) to (9).

(2) (Supplemented, SG No. 62/2016, effective 9.08.2016) The chairperson of the military appellate court shall second judges of the military courts under the terms established by Paragraph (1). Where the military appellate court is unable to form a panel, the chairperson shall second a judge of the military regional courts according to the procedure established by the Ordinance of Business Travel Inside the Country (promulgated in the State Gazette No. 11 of 1987; amended in No. 21 of 1991, No. 2 of 1994, No. 62 of 1995, No. 34 of 1997, No. 40 of 1999, No. 2 of 2008 and No. 2 of 2011).

(3) (New, SG No. 33/2009) Where secondment under Paragraph (1) is impossible, the Chairperson of the Supreme Court of Cassation may second an appellate judge of the district of another appellate court.

(4) (New, SG No. 33/2009, repealed, SG No. 62/2016, effective 9.08.2016).

## **Section VIIa**

### **(New, SG No. 1/2011, effective 4.01.2011)**

### **Appellate Specialised Criminal Court**

#### **Article 107a**

(New, SG No. 1/2011, effective 4.01.2011) (1) The Appellate Specialised Criminal Court shall examine cases instituted acting on defence and prosecution appeals against instruments of the specialised criminal court. It shall be seated in Sofia.

(2) The Appellate Specialised Criminal Court shall consist of judges and shall be headed by a Chairperson.

#### **Article 107b**

(New, SG No. 1/2011, effective 4.01.2011)

(1) (Amended and supplemented, SG No. 62/2016, effective 9.08.2016, supplemented, SG No. 90/2017) Where a judge of the appellate specialised criminal court is prevented from discharging the office thereof and cannot be replaced by another judge of the same court, the chairperson of the appellate specialised criminal court may second in his or her stead an appropriately ranking judge of the specialised criminal court, a judge of another district or appellate court ranking as a Supreme Court of Cassation judge, provided the chairperson of the district or appellate court concerned consents, in conformity with the terms established by Article 227. As an exception, such secondment may take place to an unoccupied position as well in conformity with the terms established by Article 227 (2) to (9). Where the appellate specialised criminal court is unable to form a panel, the chairperson shall second a judge of the specialised criminal court according to the procedure established by the Ordinance of Business Travel Inside the Country.

(2) Where secondment under Paragraph (1) is impossible, the Chairperson of the Supreme Court of Cassation may second an appropriately ranking judge of a regional or appellate court in conformity with the terms established by Article 227.

(3) (Repealed, SG No. 62/2016, effective 9.08.2016).

**Article 107c**

(New, SG No. 1/2011, effective 4.01.2011)

The provisions of Articles 104 to 106 shall furthermore apply to the Appellate Specialised Criminal Court.

## **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) (Supplemented, SG No. 62/2016, effective 9.08.2016) The college shall be headed by the chairperson or a deputy thereof, who may preside over court panels of the respective college in conformity with the random selection principle upon the assignment of cases, without supplanting the presiding judge.

(4) There shall be divisions within the colleges.

**Article 110**

The Supreme Court of Cassation shall sit:

1. in a three-judge panel, unless otherwise provided for by law;
2. as a general assembly of the criminal college, the civil college or the commercial college: where examining a request for the adoption of an interpretative judgement in the administration of criminal, civil or commercial justice;
3. as a general assembly of the civil college and the commercial college: where examining a request for the adoption of an interpretative judgement on common matters of the administration of civil and commercial justice;
4. (new, SG No. 62/2016, effective 9.08.2016) as a general assembly of the criminal college, the civil college and the commercial college: where examining a request for the adoption of an interpretative judgement on common matters of the administration of criminal, civil and

commercial justice.

### **Article 111**

(Amended, SG No. 62/2016, effective 9.08.2016)

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

(2) The plenum of the Supreme Court of Cassation shall:

1. hear the candidates for a chairperson of the court and be competent to express an opinion on the nominations;

2. determine the composition of colleges and the number and composition of divisions;

3. hear the candidates nominated by the chairperson of the court for deputies thereof and be competent to express an opinion regarding the nominations;

4. hear the candidates for chairpersons of divisions;

5. adopt rules for determining the caseload of the chairperson of the court, of the deputies thereof, of the chairpersons of divisions, of the judges of the Supreme Court of Cassation, of those of them who are assigned to discharge organisational functions, as well as where so prescribed by the health authorities;

6. give opinions to the Council of Ministers and to the National Assembly on bills concerning the activity of the Supreme Court of Cassation;

7. adopt opinions on constitutional cases whereto the Supreme Court of Cassation is constituted as a party;

8. discuss and adopt the annual report of the chairperson on the activity of the Supreme Court of Cassation;

9. adopt internal rules of organisation of the operation thereof.

(3) The plenum of the Supreme Court of Cassation shall adopt rules of procedure of the general assemblies of the civil college, the criminal college and of the commercial college.

(4) The plenum of the Supreme Court of Cassation may express opinions on matters related to the organisation of operation of the court which fall within the competence of the chairperson, acting on a motion that has been entered by not less than one-third of the judges.

(5) The plenum of the Supreme Court of Cassation shall be convened by the chairperson or at the request of not less than one-third of all judges.

(6) A session of the plenum of the Supreme Court of Cassation shall take place if more than

one-half of all judges are present thereat. Decisions shall be adopted by a majority of more than one-half of the judges present.

(7) The specialisation of the divisions by subject matter may be determined by the chairperson of the court, where it is necessary to ensure the examination of cases within a reasonable time.

#### **Article 112**

(1) (Supplemented, SG No. 62/2016, effective 9.08.2016) The general assembly of the criminal college, the civil college or the commercial college shall consist of the judges in the respective college, with the seconded judges attending in a non-voting capacity. Seconded judges shall attend the general assembly of the respective college with a right to vote when interpretative judgments are issued.

(2) (Supplemented, SG No. 62/2016, effective 9.08.2016) The general assembly of the civil college and the commercial colleges shall consist of the judges in the two colleges, excluding the seconded judges.

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

(4) (Amended and supplemented, SG No. 62/2016, effective 9.08.2016) The general assembly of the college for the adoption of an interpretative judgement shall take place if more than two-thirds of the judges in it are present, and in the cases under Items 3 and 4 of Article 110, if more than two-thirds of the judges of the colleges concerned are present, and shall adopt judgements by a majority of more than one-half of all judges of the college or colleges.

(5) (New, SG No. 62/2016, effective 9.08.2016) Seconded judges shall attend the general assemblies of the court wherefrom they are seconded with a right to vote.

#### **Article 113**

(1) The following may attend the sessions of the plenum:

1. the Prosecutor General or a Deputy Prosecutor general at the Supreme Cassation Prosecution Office;

2. the chairpersons of the appellate 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 Court of Cassation shall notify the persons under Paragraph (1) of the date and time of conduct of the session.

(3) The persons under Paragraph (1) may express an opinion but shall not vote.

#### **Article 114**

(1) (Supplemented, SG No. 33/2009, SG No. 28/2016, SG No. 1/2011, effective 4.01.2011, amended, SG No. 62/2016, effective 9.08.2016) The Chairperson of the Supreme Court of Cassation shall implement overall organisational and administrative direction of the Supreme Court of Cassation and, to this end shall:

1. represent the court as a legal person and a judicial authority;
2. organise the work of judges;
3. convene and preside over the sessions of the general assemblies of the colleges and of the plenum of the Supreme Court of Cassation or assign this task to the deputies thereof;
4. enter motions for the adoption of interpretative judgements and interpretative decrees;
5. acting jointly with the deputies thereof, propose to the Plenum of the Supreme Administrative Court the distribution of judges by college and division;
6. designate the chairpersons of divisions from among the judges of the Supreme Court of Cassation for a term of five years;
7. preside over court panels in the cases specified by law and may preside over court panels of all divisions in conformity with the random selection principle upon the assignment of cases;
8. second judges under the terms established by Article 115;
9. conduct in person inspections of the arrangements for the activity of the judges of the appellate courts or assign such inspections to a judge of the Supreme Court of Cassation;
10. convene the judges of the Supreme Court of Cassation and of the appellate courts for a discussion of the inspection reports;
11. direct and control the work of judicial assistants;
12. approve the staffing schedule of the administration of the court;
13. appoint and release the employees at the court;
14. at the end of each six-month period, prepare and provide the Judges Chamber of the Supreme Judicial Council, the Inspectorate with the Supreme Judicial Council and the Minister of Justice with summarised information about the institution, progress and disposal of cases;
15. draw up an annual report on the activity of the Supreme Court of Cassation and publish the said report on the website of the Supreme Court of Cassation within one month from its preparation;
16. (amended, SG No. 17/2019) organise the publication of the instruments of the Supreme Court of Cassation on the website of the court in conformity with the requirements for personal data protection;
17. organise the publication of a monthly bulletin of the Supreme Court of Cassation;
18. determine the caseload under Item 5 of Article 111 (2) in accordance with the rules as adopted.

(2) (Amended, SG No. 28/2016) The Chairperson of the Supreme Court of Cassation shall draw up a summarised annual report on the application of the law and on the operation of the courts, with the exception of the administrative courts, and shall submit the said report to the Plenum of the Supreme Judicial Council not later than 30 April.

(3) (New, SG No. 62/2016, effective 9.08.2016) Within 14 days from the receipt of the report under Paragraph (2), the Supreme Judicial Council shall hear the Chairperson of the Supreme Court of Cassation. Upon the hearing, the members of the Council may also ask questions in writing received from members of the public, institutions and non-governmental

organisations in connection with the report, which shall be answered by the Chairperson of the Supreme Court of Cassation.

(4) (New, SG No. 62/2016, effective 9.08.2016) The Supreme Judicial Council shall lay the report under Paragraph (2) before the National Assembly by 31 May. The report shall be debated after the National Assembly has heard the Chairperson of the Supreme Court of Cassation. When the report is debated, the National Representatives may also ask questions in writing received from members of the public, institutions and non-governmental organisations in connection with the report, which shall be answered by the Chairperson of the Supreme Court of Cassation.

(5) (Renumbered from Paragraph 3, SG No. 62/2016, effective 9.08.2016, amended, SG No. 29/2019) The orders of the chairperson and the rules regarding working arrangements of the court approved by the chairperson shall be binding on all judges and employees thereat.

#### **Article 115**

(1) (Amended, SG No. 33/2009, amended and supplemented, SG No. 62/2016, effective 9.08.2016, supplemented, SG No. 90/2017) Where a judge of the Supreme Court of Cassation is prevented from discharging the office thereof and cannot be replaced by another judge of the same court, the Chairperson of the Supreme Court of Cassation may second in his or her stead an appropriately ranking judge of an appellate or district court who has practised law for at least 12 years. Such secondment shall take place in conformity with the terms established by Article 227. As an exception, such secondment may take place to an unoccupied position as well in conformity with the terms established by Article 227 (2) to (9).

(2) (Supplemented, SG No. 33/2009, repealed, SG No. 62/2016, effective 9.08.2016).

## **Section IX**

### **Supreme Administrative Court**

#### **Article 116**

(1) The Supreme Administrative Court shall have jurisdiction over 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) (Supplemented, SG No. 62/2016, effective 9.08.2016) There shall be colleges at the Supreme Administrative Court, which shall be headed by the chairperson or a deputy thereof, who may preside over court panels of the respective college in conformity with the random selection principle upon the assignment of cases, without supplanting the presiding judge.

#### **Article 118**

The Supreme Administrative Court shall sit:

1. In a three-judge panel, unless otherwise provided for by law;
2. as a general assembly of the college: where examining a request for the adoption of an interpretative judgement in the administration of administrative justice;
3. as a general assembly of the colleges: where examining a request for the adoption of an interpretative judgement on common matters of the administration of administrative justice.

**Article 119**

(Amended, SG No. 62/2016, effective 9.08.2016)

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

(2) The plenum of the Supreme Administrative Court shall:

1. hear the candidates for a chairperson of the court and be competent to express an opinion on the nominations;

2. determine the number and the composition of colleges and the number and composition of divisions;

3. hear the candidates nominated by the chairperson of the court for deputies thereof and be competent to express an opinion regarding the nominations;

4. hear the candidates for chairpersons of divisions;

5. adopt rules for determining the caseload of the chairperson of the court, of the deputies thereof, of the chairpersons of divisions, of the judges of the Supreme Administrative Court, of those of them who are assigned to discharge organisational functions, as well as where so prescribed by the health authorities;

6. give opinions to the Council of Ministers and to the National Assembly on bills concerning the activity of the Supreme Administrative Court;

7. adopt opinions on constitutional cases whereto the Supreme Administrative Court is constituted as a party;

8. discuss and adopt the annual report of the Chairperson of the Supreme Administrative Court;

9. adopt rules of procedure of the general assemblies of the respective colleges;

10. adopt internal rules of organisation of the operation thereof.

(3) The plenum of the Supreme Administrative Court may express opinions on matters related to the organisation of operation of the court which fall within the competence of the

chairperson, acting on a motion that has been entered by not less than one-third of the judges.

(4) The plenum of the Supreme Administrative Court shall be convened by the chairperson or at the request of not less than one-third of all judges.

(5) A session of the plenum of the Supreme Administrative Court shall take place if more than one-half of all judges are present thereat. Decisions shall be adopted by a majority of more than one-half of the judges present.

(6) The specialisation of the divisions by subject matter may be determined by the chairperson of the court, where it is necessary to ensure the examination of cases within a reasonable time.

#### **Article 120**

(1) (Supplemented, SG No. 62/2016, effective 9.08.2016) The general assembly of the college shall consist of the judges in the said college, with the seconded judges attending in a non-voting capacity. Seconded judges shall attend the general assembly of the respective college with a right to vote when interpretative judgments are rendered.

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

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

(4) (New, SG No. 62/2016, effective 9.08.2016) Seconded judges shall attend the general assemblies of the court wherefrom they are seconded with a right to vote.

#### **Article 121**

(1) The following may attend the sessions of the plenum:

1. the Prosecutor General or a Deputy Prosecutor General at the Supreme Administrative Prosecution Office;

2. the 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 conduct of the session.

(3) The persons under Paragraph (1) may express opinions but shall not vote.

## **Article 122**

(1) (Supplemented, SG No. 33/2009, SG No. 28/2016, SG No. 1/2011, effective 4.01.2011, amended, SG No. 62/2016, effective 9.08.2016) The Chairperson of the Supreme Administrative Court shall implement overall organisational and administrative direction of the Supreme Administrative Court and, to this end shall:

1. represent the court as a legal person and a judicial authority;
2. organise the work of judges;
3. convene and preside over the sessions of the general assemblies of the colleges and of the plenum of the Supreme Administrative Court or assign this task to the deputies thereof;
4. enter motions for the adoption of interpretative judgements and interpretative decrees;
5. acting jointly with the deputies thereof, propose to the plenum of the Supreme Administrative Court the distribution of judges by college and division;
6. designate the chairpersons of divisions from among the judges of the Supreme Administrative Court for a term of five years;
7. may preside over court panels of all divisions, if any, in conformity with the random selection principle upon the assignment of cases, without supplanting the presiding judge;
8. second judges under the terms established by Article 123;
9. conduct in person inspections of the arrangements for the activity of the judges of the administrative courts or assign such inspections to a judge of the Supreme Administrative Court;
10. convene the judges of the Supreme Administrative Court and of the administrative courts for a discussion of the inspection reports;
11. direct and control the work of judicial assistants;
12. approve the staffing schedule of the administration of the court;
13. appoint and release the employees at the court;
14. at the end of each six-month period, prepare and provide the Judges Chamber of the Supreme Judicial Council, the Inspectorate with the Supreme Judicial Council and the Minister of Justice with summarised information about the institution, progress and disposal of cases;
15. draw up an annual report on the activity of the Supreme Administrative Court and publish the said report on the website of the Supreme Administrative Court within one month

from its preparation;

16. (amended, SG No. 17/2019) organise the publishing of the instruments of the Supreme Administrative Court on the website of the court in conformity with the requirements for personal data protection;

17. organise the publication of a monthly bulletin of the Supreme Administrative Court;

18. determine the caseload under Item 5 of Article 119 (2) in accordance with the rules as adopted.

(2) (Amended, SG No. 28/2016) The Chairperson of the Supreme Administrative Court shall draw up a summarised annual report on the application of the law and the operation of the administrative courts and shall submit the said report to the Plenum of the Supreme Judicial Council not later than 30 April.

(3) (New, SG No. 62/2016, effective 9.08.2016) Within 14 days from the receipt of the report under Paragraph (2), the Supreme Judicial Council shall hear the Chairperson of the Supreme Administrative Court. Upon the hearing, the members of the Council may also ask questions in writing received from members of the public, institutions and non-governmental organisations in connection with the report, which shall be answered by the Chairperson of the Supreme Administrative Court.

(4) (New, SG No. 62/2016, effective 9.08.2016) The Supreme Judicial Council shall lay the report under Paragraph (2) before the National Assembly by 31 May. The report shall be debated after the National Assembly has heard the Chairperson of the Supreme Administrative Court. When the report is debated, the National Representatives may also ask questions in writing received from members of the public, institutions and non-governmental organisations in connection with the report, which shall be answered by the Chairperson of the Supreme Administrative Court.

(5) (Renumbered from Paragraph 3, SG No. 62/2016, effective 9.08.2016, amended, SG No. 29/2019) The orders of the chairperson and the rules regarding working arrangements of the court approved by the chairperson shall be binding on all judges and employees thereof.

### **Article 123**

(1) (Amended, SG No. 33/2009, supplemented, SG No. 1/2011, effective 4.01.2011, amended, SG No. 62/2016, effective 9.08.2016, supplemented, SG No. 90/2017) Where a judge of the Supreme Administrative Court is prevented from discharging the office thereof and cannot be replaced by another judge of the same court, the Chairperson of the Supreme Administrative Court may second in his or her stead an appropriately ranking judge of an administrative court or of another court who has practised law for at least 12 years. Such secondment shall take place in conformity with the terms established by Article 227. As an exception, such secondment may take place to an unoccupied position as well in conformity with the terms established by Article 227 (2) to (9).

(2) (Supplemented, SG No. 33/2009, repealed, SG No. 62/2016, effective 9.08.2016).

**Article 123a**

(New, SG No. 77/2018, effective 1.01.2019)

(1) The Chairman of the Supreme Administrative Court may post for a period of one year, following the opinion of the Director of the National Institute of Justice, judge the Supreme Administrative Court or the administrative courts currently monitoring the case law of the Court of Justice of the European Union, the General Court of the European Union and the European Court of Human Rights.

(2) Judges seconded to the Tribunal should be given the opportunity to monitor the case-law of the Court of Justice of the European Union, the General Court of the European Union and the European Court of Human Rights on a case-by-case basis, seminars and other events related to the activities of these courts and the application of European Union law in the field of administrative justice. The seconded judge periodically sends systematized information to the Supreme Administrative Court and Administrative Courts by selecting judgments of those courts as well as relevant articles and publications related to the application of European Union law relating to administrative justice.

(3) The seconded judge shall be elected following a competition under rules adopted by the Chairperson of the Supreme Administrative Court.

(4) The Supreme Judicial Council shall provide at the request of the Chairperson of the Supreme Administrative Court the necessary funds for the seconded Judge, by adjusting the budget of the Supreme Administrative Court.

(5) The seconded judge shall send information to the National Institute of Justice for appropriate measures related to the application of the European law and relevant to the administrative justice and shall assist in the organization of appropriate training of the administrative judges from Bulgaria when they are involved in the organization of the Court of Justice of the European Union, The General Court of the European Union and the European Court of Human Rights.

(6) After receiving the relevant information from the seconded judge, the Director of the National Institute of Justice shall undertake actions for the establishment of a program for conducting ongoing training of magistrates related to the application of the European law in the field of administrative justice in order to maintain and increase their professional qualification.

## **Section X**

### **Interpretative Judgements and Interpretative Decrees**

**Article 124**

(1) Where the law is interpreted and applied in conflicting or wrong case-law, an interpretative judgement shall be adopted by the general assembly of:

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

2. the civil college and the commercial colleges of the Supreme Court of Cassation;

3. (new, SG No. 62/2016, effective 9.08.2016) the criminal college, the civil college and the commercial college of the Supreme Court of Cassation;

4. (renumbered from Item 3, SG No. 62/2016, effective 9.08.2016) a college at the Supreme Administrative Court;

5. (renumbered from Item 4, SG No. 62/2016, effective 9.08.2016) the colleges at the Supreme Administrative Court.

(2) (Supplemented, SG No. 62/2016, effective 9.08.2016) Where there is conflicting or wrong case-law between the Supreme Court of Cassation and the Supreme Administrative Court, the general assembly of 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 (1): with the general assembly of the respective college or colleges;

2. as regards an interpretative decree under Article 124 (2): with the general assemblies of 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 statutory instrument and an outline of the disputed issues in its application;

2. the enforceable judicial instruments containing conflicting or wrong case-law;

3. the specific object of the request.

## **Article 128**

(1) The chairperson of the court, who has been approached with the motion, shall issue an order instituting and assigning it to one or several reporting judges.

(2) By Chairperson of the Supreme Court of Cassation and the Chairperson of the Supreme Administrative Court shall issue a joint order instituting and schedule a case 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 from 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 Prosecutor General designated thereby;
2. the Minister of Justice or a deputy minister designated thereby;
3. the Chairperson of the Supreme Bar Council or a member of the Council designated thereby.

(2) The chairperson of the court whereto the request has been submitted may invite other jurists, as well as the ombudsman, to participate.

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

(4) The persons under Paragraphs (1) and (2) may express an opinion but may not vote.

(5) Minutes shall be taken for the session of the general assembly, which shall be signed by the presiding judge and the minute-taking clerk.

## **Article 130**

(1) (Supplemented, SG No. 62/2016, effective 9.08.2016) Interpretative judgements and interpretative decrees shall be adopted and made public within three months from the receipt of the request, and in cases of a particular legal complexity, within six months.

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

## **Article 131**

Interpretative judgements shall be published annually in a bulletin which shall be issued by the Supreme Court of Cassation or the Supreme Administrative Court, and interpretative decrees

shall be published in both bulletins.

**Article 131a**

(New, SG No. 62/2016, effective 9.08.2016)

The procedure for the institution and examination of interpretative cases and for the adoption of interpretative judgments and decrees shall be established by internal rules adopted by the plenum of the respective court.

## **Chapter Five COURT HEARINGS**

**Article 132**

(1) Courts shall examine cases sitting in public court hearings.

(2) The publicity of the judicial procedure may only be limited by law. In all cases, a sentence shall be made public.

(3) Judges shall be bound to make public their instruments according to the procedure and within the time limit specified by law.

**Article 133**

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

(2) In exceptional circumstances, with the consent of the chairperson of the court, a court panel may decide to conduct a court hearing in another building.

**Article 134**

(1) Judges and prosecutors shall sit enrobed.

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

(3) (Amended, SG No. 62/2016, effective 9.08.2016) Court assessors shall sit in a court hearing in presentable clothing. Court assessors who are service persons shall sit in a court hearing wearing a military uniform.

**Article 135**

(1) The court panel shall be presided over by the most senior from among the members thereof.

(2) The judge presiding the panel shall moderate the court hearing, shall maintain order in the courtroom, and may sanction offenders according to the procedure provided for in the procedural law.

(3) The orders of the judge presiding the panel shall be binding on all persons who are present in the courtroom. Such orders may be reversed by the court panel.

## **Chapter Six**

# **PROSECUTING MAGISTRACY**

### **Article 136**

(1) (Supplemented, SG No. 33/2009, amended, SG No. 1/2011, effective 4.01.2011, SG No. 62/2016, effective 9.08.2016) There shall be a unitary prosecuting magistracy of the Republic of Bulgaria, which shall be structured in accordance with the structure of the courts. The prosecuting magistracy shall consist of a Prosecutor General, a Supreme Cassation Prosecution Office, a Supreme Administrative Prosecution Office, a National Investigation Service, appellate prosecution offices, an appellate specialised prosecution office, a military appellate prosecution office, regional prosecution offices, a specialised prosecution office, military regional prosecution offices and district prosecution offices. There shall be investigation departments within the regional prosecution offices and the specialised prosecution office.

(2) Administrative departments shall be established at the regional prosecution offices, the prosecutors of which shall take part in proceedings in administrative cases.

(3) (Amended, SG No. 33/2009, SG No. 62/2016, effective 9.08.2016) Prosecutors and investigating magistrates shall be directed by the administrative heads of the respective prosecution office.

(4) (New, SG No. 33/2009, amended, SG No. 62/2016, effective 9.08.2016) Upon the discharge of the functions thereof under Paragraph (3), each administrative head shall be subordinate to the Prosecutor General and to the superior administrative heads.

(5) (New, SG No. 62/2016, effective 9.08.2016) The Prosecutor General shall exercise supervision as to legality and shall provide methodological guidance regarding the work of all prosecutors and investigating magistrates for an accurate and uniform application of the laws and protection of the legitimate rights and interests of citizens, legal persons and the State.

(6) (Renumbered from Paragraph 4, SG No. 33/2009, renumbered from Paragraph 5, SG No. 62/2016, effective 9.08.2016) In the discharge of the office thereof, military prosecutors and investigating magistrates shall be independent of the military authorities.

### **Article 137**

The prosecuting magistracy shall be a public-financed legal person seated in Sofia.

### **Article 138**

(Supplemented, SG No. 33/2009, SG No. 21/2014, effective 9.04.2014, amended, SG No. 62/2016, effective 9.08.2016)

The Prosecutor General shall:

1. direct and represent the prosecuting magistracy;

2. organise the activity of the Supreme Cassation Prosecution Office, the Supreme Administrative Prosecution Office, the National Investigation Service and of the administrative heads in the prosecuting magistracy;

3. organise and distribute work to the deputies thereof;

4. appoint and release from office the employees at the Supreme Cassation Prosecution Office, at the Supreme Administrative Prosecution Office, at the National Investigation Service and at the administration of the Prosecutor General;

5. direct the Protection Bureau under the Protection of Individuals at Risk in Connection with Criminal Proceedings Act and exercise the functions of an employer for the employees of the Bureau;

6. issue written instructions and directions regarding the activity of the prosecuting magistracy, discharging the functions thereof under Article 136 (5) herein;

7. direct the control activity at the prosecuting magistracy, which has as an object to guarantee the accurate and uniform application of the laws by prosecutors and investigating magistrates and to ensure:

(a) obtaining up-to-date information on the organisational condition of prosecution offices and on the work of prosecutors and investigating magistrates;

(b) identifying omissions and breaches in the activity and the grounds for taking appropriate organisational and/or disciplinary measures;

(c) objective evaluation of performance and prerequisites for incentive;

(d) identifying good practices;

(e) implementing the priorities in the activity of the prosecuting magistracy;

8. jointly with the ministers and the heads of other government institutions, establish specialised interagency units to facilitate investigation under the procedural guidance of a prosecutor designated by the Prosecutor General;

9. issue joint instructions regarding the procedure and indicators for the provision of information on investigations, respectively:

(a) with the Minister of Interior and with the Minister of Finance: on the investigations conducted by investigating police officers and investigating customs inspectors;

(b) with the Minister of Defence: on the investigations conducted by investigating military police officers;

10. determine the procedure and indicators for obtaining information on the investigations in the pre-trial proceedings from the Director of the National Investigation Service and from the administrative heads of prosecution offices;

11. once every six months, provide the Prosecutors Chamber of the Supreme Judicial Council, the Inspectorate with the Supreme Judicial Council and the Minister of Justice with summarised information on the institution, progress and disposal of case files.

**Article 138a**

(New, SG No. 62/2016, effective 9.08.2016)

(1) Annually, on or before 30 April, the Prosecutor General shall lay before the Plenum of the Supreme Judicial Council an annual report on the application of the law and on the operation of the prosecuting magistracy and of the investigating authorities and shall publish the said report on the website of the prosecuting magistracy.

(2) At the request of the National Assembly or on his or her own initiative, the Prosecutor General shall also lay before the National Assembly other reports on the operation of the prosecuting magistracy for the application of the law, counteracting crime and implementation of penal policy.

(3) Within 14 days from the receipt of the report under Paragraph (1), the Supreme Judicial Council shall hear the Prosecutor General. Upon the hearing, the members of the Council may also ask questions in writing received from members of the public, institutions and non-governmental organisations in connection with the report, which shall be answered by the Prosecutor General.

(4) The Supreme Judicial Council shall lay the report under Paragraph (1) before the National Assembly by 31 May. The reports under Paragraphs (1) and (2) shall be debated after the National Assembly has heard the Prosecutor General. When the reports are debated, the National Representatives may also ask questions in writing received from members of the public, institutions and non-governmental organisations in connection with the report, which shall be answered by the Prosecutor General.

**Article 139**

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

(2) (Amended and supplemented, SG No. 62/2016, effective 9.08.2016) The Prosecutor General and the deputies thereto, whereto respective powers have been assigned according to the procedure established by Paragraph (1), may revoke or modify prosecutorial instruments in writing, unless the said instruments have been subject to judicial review.

**Article 140**

(Amended, SG No. 1/2011, effective 4.01.2011, SG No. 62/2016, effective 9.08.2016)

(1) The administrative head of a district, regional, the specialised, military regional, the military appellate and the appellate specialised prosecution office shall:

1. organise and direct the activity of the respective prosecution office;
2. appoint and release the employees therein;
3. in the cases provided for by the law, draw up the individual plan for professional development under Article 30a (3) and see to its fulfilment;
4. within a time limit set by the Prosecutor General, draw up an annual report on the activity of the respective prosecution office, submit the said report to the superior administrative head, and publish the said report on the website of the respective prosecution office.

(2) The orders of the administrative head in connection with the powers thereof under Item 1 of Paragraph (1) shall be binding on all prosecutors, investigating magistrates and employees at the prosecution office concerned.

(3) The administrative head of a district, regional, military regional prosecution office and of the specialised prosecution office or deputies of the administrative head empowered thereby shall exercise control over compliance with the investigation deadlines, over the inspections under Items 2 and 3 of Article 145 (1) and the time limits of the coercive procedural measures under the Criminal Procedure Code.

(4) The administrative heads of the appellate and regional prosecution offices shall direct the control activity in the judicial districts thereof, which shall have as an object to ensure:

1. obtaining up-to-date information on the organisational condition of prosecution offices in the judicial district and on the work of prosecutors and investigating magistrates thereat;
2. identifying omissions and breaches in the activity and the grounds for taking appropriate organisational or disciplinary measures;
3. objective evaluation of performance and prerequisites for incentive.

(5) On a quarterly basis, the administrative heads of the appellate prosecution offices shall provide the Prosecutor General with summarised information on the investigations of the relevant district, regional and military regional prosecution offices and of the specialised appellate prosecution office.

#### **Article 141**

(Amended, SG No. 69/2008, SG No. 33/2009, supplemented, SG No. 1/2011, effective 4.01.2011, amended, SG No. 82/2011, effective 1.01.2012, SG No. 28/2016, repealed, SG No. 62/2016, effective 9.08.2016).

#### **Article 142**

(Amended, SG No. 33/2009, repealed, SG No. 62/2016, effective 9.08.2016).

#### **Article 143**

(1) All instruments and actions of a prosecutor may be appealed before the immediate superior prosecution office, unless they are subject to judicial review.

(2) (Amended, SG No. 62/2016, effective 9.08.2016) Verbal orders and directions in connection with work on cases and case files shall be inadmissible.

(3) (Amended, SG No. 62/2016, effective 9.08.2016) In the cases specified by a law, a prosecutor of a superior prosecution office may:

1. perform steps included in the competence of the prosecutors of the prosecution offices of a lower degree;

2. suspend, revoke or modify, giving reasons and in writing, the instruments of the prosecution offices of a lower degree.

(4) (New, SG No. 1/2011, effective 4.01.2011, repealed, SG No. 62/2016, effective 9.08.2016).

(5) (New, SG No. 62/2016, effective 9.08.2016) Upon the revocation of a prosecutorial instrument, written and reasoned directions may be given solely regarding the application of the law, without affecting the inner conviction of the prosecutor.

(6) (New, SG No. 62/2016, effective 9.08.2016) In the cases where the superior prosecutor revokes a prosecutorial instrument by reason of a failure to perform the steps necessary for revelation of the objective truth, the said prosecutor shall give directions as to what steps should be performed for establishing or verifying what facts.

(7) (New, SG No. 62/2016, effective 9.08.2016) The prosecutor, who has received the directions under Item 2 of Paragraph (3) and under Paragraphs (5) and (6), may lodge an objection with a prosecutor of the superior prosecution office with regard to the prosecutor who gave the directions.

#### **Article 144**

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

(2) (Amended, SG No. 1/2011, effective 4.01.2011) Where a supervising prosecutor is unable to take part in the examination of a case at a court hearing for valid reasons, the respective administrative head shall designate another prosecutor in his or her stead.

(3) (Amended, SG No. 69/2008, SG No. 53/2014, repealed, SG No. 14/2015).

#### **Article 145**

(1) In discharging the functions provided for in the law, a prosecutor may:

1. (supplemented, SG No. 62/2016, effective 9.08.2016) require documents, information,

explanations, expert opinions and other materials, setting a time limit for their receipt;

2. conduct checks in person;

3. if there are data on criminal offences or legally non-conforming instruments and actions, assign the respective authorities to conduct checks and audits within a time limit set by the prosecutor, submitting thereto conclusions and, upon request, the full set of materials as well;

4. summon citizens or authorised representatives of legal persons and be competent to order that their attendance be coerced if they fail to appear without valid reasons;

5. transmit the materials to the competent authority, where establishing that there are grounds to enforce liability or to apply coercive administrative measures, which the prosecutor cannot implement in person;

6. apply the measures provided for by the law if there are data that a publicly prosecutable offence or another breach of the law may be committed.

(2) (New, SG No. 62/2016, effective 9.08.2016) The check under Items 2 and 3 of Paragraph (1) shall be conducted within two months, and if necessary this time limit may be extended by the administrative head of the prosecution office concerned on a single occasion by one month. The prosecutor shall pronounce on the materials resulting from the check within one month from the receipt of the said materials.

(3) (Renumbered from Paragraph 2, SG No. 62/2016, effective 9.08.2016) Any orders issued by a prosecutor within the competence thereof and the law shall be binding on state bodies, officials, legal persons and citizens.

(4) (Renumbered from Paragraph 3, SG No. 62/2016, effective 9.08.2016) State bodies, legal persons and officials shall be bound to cooperate with prosecutors in the discharge of the powers thereof and to afford them access to the premises and places concerned.

(5) (Renumbered from Paragraph 4, SG No. 62/2016, effective 9.08.2016) Within the competence thereof and in accordance with the law, a prosecutor may give binding written orders to the police authorities.

(6) (Renumbered from Paragraph 5, supplemented, SG No. 62/2016, effective 9.08.2016) A prosecutor shall appeal and motion for the reversal or modification of legally non-conforming instruments within the time limit and according to the procedure provided for by law. The prosecutor may stay the enforcement of an instrument until the appeal is examined by the authority concerned, if so provided for by law.

#### **Article 146**

(1) In the exercise of supervision as to legality in the implementation of penal sanctions, of the other coercive measures and at detention centres, a prosecutor may:

1. visit, without prior authorisation from the administration, detention centres, places of deprivation of liberty and of implementation of other coercive measures, and check the documents on the basis of which the persons are detained;

2. interview privately the detainees or the persons accommodated;

3. examine proposals, alerts, complaints and requests in connection with the implementation of penal sanctions and of the other coercive measures provided for by law;

4. order in writing the authorities in charge of the implementation of penal sanctions and the administration of the places for implementation of the other coercive measures to notify him of certain steps, instruments and events.

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

1. immediately release anyone who is illegally detained at the places for deprivation of liberty and for the implementation of other coercive measures;

2. give binding written orders for the rectification of breaches as identified;

3. suspend the enforcement of legally non-conforming written orders and other orders of officials and request the revocation of the said orders according to the relevant procedure.

#### **Article 147**

(Amended, SG No. 33/2009, SG No. 62/2016, effective 9.08.2016)

(1) In the prosecuting magistracy, secondment shall be carried out where necessary under the terms and according to the procedure established by Article 227, where a prosecutor of the respective prosecution office is prevented from discharging the office thereof, as follows:

1. a regional prosecutor may second for the judicial district thereof:

(a) an appropriately ranking prosecutor of a district prosecution office: to a regional prosecution office;

(b) a prosecutor of a district prosecution office: to another district prosecution office;

(c) (amended, SG No. 90/2017) a junior prosecutor of another regional prosecution office with a service record exceeding one year: to a regional prosecution office; as an exception, a prosecutor of another regional prosecution office or a junior prosecutor with a service record exceeding one year may be seconded to a vacant position as well in conformity with the terms established by Article 227 (2) to (9);

(d) (amended, SG No. 90/2017) a junior prosecutor of another regional prosecution office with a service record exceeding one year: to a regional prosecution office; as an exception, a prosecutor of another regional prosecution office or a junior prosecutor with a service record exceeding one year may be seconded to a vacant position as well in conformity with the terms

established by Article 227 (2) to (9);

2. an appellate prosecutor may second for the judicial district thereof:

(a) an appropriately ranking prosecutor of a regional prosecution office: to an appellate prosecution office;

(b) an appropriately ranking prosecutor of a regional prosecution office of a district prosecution office: to another regional prosecution office;

(c) a prosecutor of a district prosecution office: to another district prosecution office;

(d) a junior prosecutor of a district prosecution office with a service record exceeding one year: to another district prosecution office; as an exception, the secondment may be to a vacant position;

(e) a prosecutor of an appellate prosecution office: where a prosecutor of a regional prosecution office cannot be replaced by another prosecutor of the same prosecution office and a prosecutor of a regional prosecution office cannot be seconded according to the procedure established by Litterae (b), (c) and (d);

(2) The Prosecutor General may second:

1. prosecutors of an appellate or regional prosecution office who have practised law for at least 12 years and hold the rank of a prosecutor at the Supreme Cassation Prosecution Office and the Supreme Administrative Prosecution Office: to the Supreme Cassation Prosecution Office and the Supreme Administrative Prosecution Office;

2. investing magistrates of the investigation departments at the regional prosecution offices who have practised law for at least 12 years and hold the rank of an investigating magistrate at the National Investigation Service: to the National Investigation Service;

3. the investigating magistrates of the investigation departments.

(3) (Amended, SG No. 90/2017) The Prosecutor General may second prosecutors and investigating magistrates from the entire country:

1. if secondment according to the procedure established by Items 1 and 2 of Paragraph (1) is impossible;

2. as an exception, to a vacant position as well in conformity with the terms established by Article 227 (2) to (9).

(4) Seconded prosecutors and investigating magistrates shall attend the assemblies of the authority wherefrom they are seconded with a right to vote.

(5) Seconded prosecutors and investigating magistrates shall attend in a non-voting capacity the assemblies of the authorities whereto they are seconded.

## **Chapter Seven**

### **INVESTIGATING AUTHORITIES**

#### **(Heading amended, SG No. 33/2009)**

#### **Article 148**

(Amended, SG No. 33/2009)

(1) (Amended, SG No. 1/2011, effective 4.01.2011) The investigating authorities shall be the National Investigation Service, the regional investigation departments at the regional prosecution offices, and the investigation department at the specialised prosecution office.

(2) The investigation department at the Sofia City Prosecution Office shall enjoy the status of a regional investigation department.

#### **Article 149**

(Amended, SG No. 33/2009)

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

(2) (Supplemented, SG No. 62/2016, effective 9.08.2016) There shall be specialised departments at the National Investigation Service for the investigation of cases of a particular factual and legal complexity, cases for criminal offences committed abroad, requests for legal assistance, as well as for the investigation of cases in other circumstances, as provided for by law. At the National Investigation Service, there shall be a department of forensic science to assist the investigation.

#### **Article 150**

(1) (Previous text of Article 150, amended, SG No. 33/2009) The National Investigation Service shall be headed by the Prosecutor General directly or through the Director, who shall be concurrently Deputy Prosecutor General for investigation.

(2) (New, SG No. 33/2009) The Director of the National Investigation Service shall implement administrative and organisational direction of the investigating magistrates and officers at the National Investigation Service and methodological guidance of the investigating magistrates of the regional investigation departments at the regional prosecution offices.

#### **Article 151**

(Amended, SG No. 33/2009, SG No. 1/2011, effective 4.01.2011)

(1) The regional investigation departments at the regional prosecution offices and the investigation department at the specialised prosecution office shall consist of investigating magistrates.

(2) The workplace of each investigating magistrate and officer at the regional investigation departments and at the investigation department at the specialised prosecution office shall be

determined by the administrative heads of the relevant prosecution offices.

### **Article 152**

(Amended, SG No. 33/2009, SG No. 1/2011, effective 4.01.2011)

The investigating magistrates at the regional investigation departments at the regional prosecution offices and at the investigation department at the specialised prosecution office shall carry out investigations in cases assigned to them by the administrative head of the relevant prosecution office.

### **Article 153**

(Amended, SG No. 33/2009)

(1) The specialised departments at the National Investigation Service shall be headed by department heads, who shall be appointed by the Prosecutor General, shall hold the rank of a prosecutor heading a department at the Supreme Cassation Prosecution Office, and shall receive remuneration equal to the remuneration of a prosecutor heading a department at the Supreme Cassation Prosecution Office.

(2) The regional investigation departments at the regional prosecution offices shall be headed by department heads, who shall be appointed by the administrative heads of the regional prosecution offices, shall hold the rank of a prosecutor heading a department at a regional prosecution office, and shall receive remuneration equal to the remuneration of a deputy administrative head of a regional prosecution office.

(3) (New, SG No. 1/2011, effective 4.01.2011) The investigation department at the specialised prosecution office shall be headed by a department head, who shall be appointed by the administrative head of the specialised prosecution office, shall hold the rank of a prosecutor heading a department at an appellate prosecution office, and shall receive remuneration equal to the remuneration of a deputy administrative head of the specialised prosecution office.

(4) (Renumbered from Paragraph 3, amended, SG No. 1/2011, effective 4.01.2011) The heads of specialised departments at the National Investigation Service, the heads of regional investigation departments at regional prosecution offices and the head of the investigation department at the specialised prosecution office shall:

1. implement administrative and organisational direction of the investigating magistrates at the department;

2. at the end of each month, prepare and provide to the relevant administrative head of the prosecution office with information on the institution, progress and disposal of cases;

3. draw up a semi-annual and annual report on the activity of the department and provide the said report to the relevant administrative head of the prosecution office.

### **Article 154**

The orders of the investigating magistrates in connection with the investigation shall be binding on all State bodies, legal persons and citizens.

## **Chapter Eight**

### **OATH**

#### **Article 155**

Every judge, upon entry into office for the first time, shall take the following oath: "I swear in the name of the people that I will accurately apply the Constitution and the laws of the Republic of Bulgaria, that I will discharge my duties guided by my conscience and inner convictions, that I will be impartial, objective and fair, that I will contribute to enhancing the prestige of the profession, that I will respect the secret of deliberations, never forgetting that for all things I do I will be answerable before the law. I have sworn to it!"

#### **Article 156**

Every prosecutor and investigating magistrate shall take the following oath upon entry into office for the first time: "I swear in the name of the people that I will accurately apply the Constitution and the laws of the Republic of Bulgaria, that I will discharge my duties guided by my conscience and inner convictions, that I will be impartial, objective and fair, that I will contribute to enhancing the prestige of the profession, that I will respect official secrets, never forgetting that for all things I do I will be answerable before the law. I have sworn to it!"

#### **Article 157**

(1) The oath shall be taken before the judges, prosecutors and investigating magistrates of the judicial authority concerned.

(2) After the oath has been taken, an oath sheet shall be signed.

#### **Article 158**

Every public enforcement agent and recording magistrate shall sign an oath sheet upon entry into office for the first time with the following text of the oath: "I swear in the name of the people that I will accurately apply the Constitution and the laws of the Republic of Bulgaria, that I will discharge the duties of my office honestly and in good faith, that I will respect the secret of the cases entrusted to me, never forgetting that for all things I do I will be answerable before the law. I have sworn to it!"

#### **Article 159**

A person who refuses to take oath or to sign an oath paper may not take office.

## **Chapter Nine**

### **JUDGES, PROSECUTORS AND INVESTIGATING MAGISTRATES: STATUS**

#### **Section I**

### **Appointment and Release from Office**

## **Article 160**

(Supplemented, SG No. 28/2016)

A judge, prosecutor, investigating magistrate, administrative head and deputy administrative head, with the exception of the Chairperson of the Supreme Court of Cassation, the Chairperson of the Supreme Administrative Court and of the Prosecutor General, shall be appointed, promoted, demoted, transferred and released from office by decision of the respective chamber of the Supreme Judicial Council.

## **Article 161**

(Amended, SG No. 33/2009, SG No. 1/2011, effective 4.01.2011)

(1) (Amended, SG No. 28/2016) After the entry into force of the decision on the appointment, promotion, demotion and transfer of a judge, prosecutor and an investigating magistrate, the respective chamber of the Supreme Judicial Council shall inform the person who shall occupy the position within one month.

(2) Entry into office shall be certified in writing before the administrative head of the judicial authority concerned.

(3) (Supplemented, SG No. 28/2016) On the basis of the decision of the respective chamber of the Supreme Judicial Council on the appointment, promotion, demotion and transfer of a judge, prosecutor and an investigating magistrate the administrative head shall issue an act on the occupancy of the position which shall contain:

1. the name of the judicial authority in which the position is occupied;
2. the legal basis for occupying the said position;
3. the name of the position and the rank;
4. the amount of the basic and supplementary remuneration;
5. the date of entry in office.

(4) A judge, prosecutor and an investigating magistrate shall commence discharging the official duties thereof as of the date of entry into office.

(5) A person appointed as a military judge, military prosecutor or military investigating magistrate shall be admitted to permanent military service and be given a title as a commissioned officer.

## **Article 162**

Eligibility for appointment as a judge, prosecutor and investigating magistrate shall be limited to persons who hold Bulgarian citizenship only and:

1. hold a university degree in law;

2. have undergone the internship provided for in this Act and is licensed to practise law;

3. (amended, SG No. 33/2009, SG No. 1/2011, effective 4.01.2011) possess the required moral integrity and professional standing complying with the Code of Ethical Conduct of Bulgarian Magistrates;

4. have not been sentenced to deprivation of liberty for an intentional criminal offence, notwithstanding any subsequent rehabilitation;

5. (new, SG No. 103/2009, effective 29.12.2009) are not elective member of the Supreme Judicial Council who have been released from office on disciplinary grounds for damaging the prestige of the Judiciary;

6. (renumbered from Item 5, SG No. 103/2009, effective 29.12.2009) do not suffer from a mental illness.

### **Article 163**

The positions of judges, prosecutors and investigating magistrates shall be as follows:

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

2. (amended, SG No. 1/2011, effective 4.01.2011) a judge at an appellate court, a judge at the military appellate court, a judge at the appellate specialised criminal court, a prosecutor at an appellate prosecution office, a prosecutor at the military appellate prosecution office, and a prosecutor at the appellate specialised criminal prosecution office;

3. (amended, SG No. 33/2009, SG No. 1/2011, effective 4.01.2011) a judge at a regional court, a judge at an administrative court, a judge at a military court, a judge at the specialised criminal court, a prosecutor at a regional prosecution office, a prosecutor at a military regional prosecution office, a prosecutor at the specialised prosecution office, an investigating magistrate at a regional investigation department, and an investigating magistrate at the investigation department at the specialised prosecution office;

4. a judge at a district court and a prosecutor at a district prosecution office;

5. (amended, SG No. 33/2009, SG No. 62/2016, effective 9.08.2016) a junior judge, junior prosecutor and junior investigating magistrate.

### **Article 164**

(1) (Amended, SG No. 33/2009, SG No. 42/2009, supplemented, SG No. 32/2011, effective 1.01.2012, SG No. 62/2016, effective 9.08.2016) Eligibility for appointment as a judge at a district court and a prosecutor at a district prosecution office shall be limited to persons

having a service record of at least three years. Eligibility for appointment as a judge at a district court and a prosecutor at a district prosecution office shall be limited to junior judges and, respectively, junior prosecutors having a service record of at least two years and nine months. Eligibility for appointment as an investigating magistrate at a regional investigation department may be extended to persons having a service record of at least two years and nine months as a junior investigating magistrate. Until such investigating magistrate acquires the service record required under Paragraph (2), the remuneration thereof shall be co-equal to the remuneration of a judge at a district court.

(2) (Amended and supplemented, SG No. 33/2009) Eligibility for appointment as a judge at a regional court, a prosecutor at a regional prosecution office and an investigating magistrate at a regional investigation department shall be limited to persons having a service record of at least eight years.

(3) (New, SG No. 1/2011, effective 4.01.2011; declared unconstitutional with Judgment No. 10 of the Constitutional Court of the Republic of Bulgaria, in its part regarding the words "judges or prosecutors having", SG No. 93/2011)

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Eligibility for appointment as a judge at the specialised criminal court and a prosecutor at the specialised prosecution office shall be limited to judges or prosecutors having a service record of at least ten years, of which at least five years as a judge of criminal cases, prosecutor or investigating magistrate.

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(4) (Renumbered from paragraph 3, SG No. 1/2011, effective 4.01.2011) Eligibility for appointment as a judge at an administrative court shall be limited to persons having a service record of at least eight years.

(5) (Renumbered from paragraph 4, SG No. 1/2011, effective 4.01.2011) Eligibility for appointment as a judge at an appellate court and as a prosecutor at an appellate prosecution office shall be limited to persons having a service record of at least ten years.

(6) (New, SG No. 1/2011, effective 4.01.2011; declared unconstitutional with Judgment No. 10 of the Constitutional Court of the Republic of Bulgaria, in its part regarding the words "judges or prosecutors having", SG No. 93/2011)

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Eligibility for appointment as a judge at the appellate specialised criminal court and a prosecutor at the appellate specialised prosecution office shall be limited to judges or prosecutors having a service record of at least 12 years, of which at least eight years as a judge of criminal cases, prosecutor or investigating magistrate.

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(7) (Renumbered from Paragraph 5, SG No. 1/2011, effective 4.01.2011) Eligibility for appointment as a judge at the Supreme Court of Cassation and at the Supreme Administrative Court, as a prosecutor at the Supreme Cassation Prosecution Office and at the Supreme Administrative Prosecution Office and as an investigating magistrate at the National Investigation Service shall be limited to persons having a service record of at least 12 years.

(8) (Amended, SG No. 69/2008, renumbered from Paragraph 6, amended, SG No. 1/2011, effective 4.01.2011, amended and supplemented, SG No. 82/2011, effective 1.01.2012) The time served in a position or in a profession for which a university degree in law is required, including the time served by persons holding a university degree in law in the position of an investigating police officer holding a university degree in law in the system of the Ministry of Interior, an investigating police officer holding a university degree in law in the system of the Ministry of Defence or an investigating customs inspector at the National Customs Agency, shall count as service record under Paragraphs (1) to (7).

(9) (Amended, SG No. 33/2009, renumbered from Paragraph 7, amended, SG No. 1/2011, effective 4.01.2011, SG No. 62/2016, effective 9.08.2016) The time served in a position for which a university degree in law is required at the institutions, bodies and missions of the European Union, of the United Nations, of the Organisation for Security and Cooperation in Europe, of the North Atlantic Treaty Organisation, as well as at international bodies for the administration of justice or international organisations established by virtue of an international treaty whereto the Republic of Bulgaria is a party, shall count as service record under Paragraphs (1) to (7).

(10) (New, SG No. 1/2011, effective 4.01.2011) The time served in a position of a legal intern within the meaning of Article 297 shall count as service record under Paragraphs (1) to (7) if the person has worked under an employment relationship with the Ministry of Justice.

#### **Article 165**

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

1. the person attains the age of 65 years;
2. the person tenders resignation;
3. a sentence, whereby a penal sanction of deprivation of liberty for an intentional criminal offence has been imposed, becomes enforceable;
4. the person is continuously and actually unable to discharge the duties thereof for more than one year;
5. a disciplinary sanction of release from office on disciplinary grounds has been imposed on the person;
6. (supplemented, SG No. 28/2016) a decision of the respective chamber of the Supreme Judicial Council refusing the acquisition of tenure;
7. incompatibility with positions and activities under Article 195 (1);
8. (repealed, SG No. 33/2009);
9. reinstatement in office after wrongful release from a position.

(2) (Amended, SG No. 33/2009, repealed, SG No. 32/2011, effective 1.01.2012).

(3) A judge, prosecutor and investigating magistrate, who has acquired tenure, shall be released from office solely pursuant to Article 129 (3) of the Constitution of the Republic of Bulgaria, as well as in the cases under Item 7 of Paragraph (1).

(4) A judge, prosecutor and investigating magistrate who has retired under Item 1 of Paragraph (1) shall not have the right to occupy a position in the judicial authorities.

#### **Article 166**

(1) (Amended, SG No. 33/2009, supplemented, SG No. 62/2016, effective 9.08.2016) A judge, prosecutor or investigating magistrate shall resign giving the respective chamber of the Supreme Judicial Council at least one month's notice care of the administrative head of the judicial authority concerned.

(2) Within the notice period, the judge, prosecutor or investigating magistrate shall be bound to draft all instruments in the cases and case files assigned thereto, and no new cases and case files shall be assigned thereto.

(3) (New, SG No. 33/2009, amended, SG No. 1/2011, effective 4.01.2011; declared unconstitutional with Judgment No. 1 of the Constitutional Court of the Republic of Bulgaria, SG No. 14/2017)

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A judge, prosecutor or investigating magistrate may not be released from office under Item 2 of Article 165 (1) if disciplinary proceedings have been instituted thereagainst until the close of the said proceedings.

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#### **Article 167**

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

1. (supplemented, SG No. 33/2009) 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, who shall concurrently be Deputy Prosecutor General for investigation;

2. (amended, SG No. 1/2011, effective 4.01.2011) a chairperson of an appellate court, of the appellate specialised criminal court and of the military appellate court, an appellate, a military appellate prosecutor and a head of the appellate specialised prosecution office;

3. (amended, SG No. 33/2009, amended, SG No. 1/2011, effective 4.01.2011) a chairperson of a regional court, an administrative court, the specialised criminal court and of a military court, a regional prosecutor, a military regional prosecutor and a head of the specialised

prosecution office;

4. a chairperson of a district court and a district prosecutor.

(2) (New, SG No. 50/2012, supplemented, SG No. 28/2016) The procedure for the election of candidates for administrative heads, with the exception of a chairperson of the Supreme Administrative Court, a chairperson of the Supreme Administrative Court and a prosecutor general, shall be initiated by the respective chamber of the Supreme Judicial Council not earlier than three months and not later than one month before the term of office expires or within seven days from the occurrence of any circumstance under Article 175 (1).

(3) (New, SG No. 42/2009, renumbered from Paragraph 2, SG No. 50/2012, supplemented, SG No. 28/2016, SG No. 62/2016, effective 9.08.2016, amended, SG No. 49/2018, SG No. 29/2019) The administrative heads shall take office within 14 days from the entry into force of the decision by the respective chamber of the Supreme Judicial Council, but not before the previous term of office has expired.

(4) (Renumbered from Paragraph 2, SG No. 42/2009, renumbered from Paragraph 3, SG No. 50/2012, supplemented, SG No. 62/2016, effective 9.08.2016) The term of office of an administrative head shall commence on the day of entry into office and shall expire on the last day of the duration of the term.

(5) (New, SG No. 62/2016, effective 9.08.2016) The positions of administrative head of a court and prosecution office may be occupied for not more than two terms of office in one and the same judicial authority.

#### **Article 168**

(1) In the performance of the activity thereof, an administrative head shall be assisted by a deputy administrative head.

(2) (Amended, SG No. 1/2011, effective 4.01.2011, supplemented, SG No. 28/2016, amended, SG No. 62/2016, effective 9.08.2016) A deputy administrative head of a court shall be appointed by the Judges Chamber of the Supreme Judicial Council on a reasoned nomination by the chairperson of the court concerned after the general assembly of judges of the said court has given an opinion.

(3) (New, SG No. 62/2016, effective 9.08.2016) A deputy administrative head of a prosecution office and of the Director of the National Investigation Service shall be appointed by the Prosecutors Chamber of the Supreme Judicial Council on a reasoned nomination by the relevant head.

(4) (New, SG No. 1/2011, effective 4.01.2011, amended, SG No. 28/2016, renumbered from Paragraph 3, amended, SG No. 62/2016, effective 9.08.2016) When adopting the decision on appointment, the respective chamber of the Supreme Judicial Council shall verify whether the procedure under Paragraph (2) or (3) has been complied with, as well as whether the nominated candidate meets the requirements under Article 169 (2). The verification shall be carried out on

the basis of the documents submitted by the candidate and of the documents contained in the personnel file.

(5) (New, SG No. 1/2011, effective 4.01.2011, amended, SG No. 28/2016, renumbered from Paragraph 4, amended, SG No. 62/2016, effective 9.08.2016) The respective chamber of the Supreme Judicial Council shall adopt a decision refusing to appoint the candidate for deputy administrative head as nominated if the procedure under Paragraph (2) or (3) has not been complied with and the candidate does not satisfy the requirements under Article 169 (2).

(6) (New, SG No. 1/2011, effective 4.01.2011, supplemented, SG No. 28/2016, renumbered from Paragraph 5, SG No. 62/2016, effective 9.08.2016) The deputy administrative head shall take office within 14 days after the decision of the respective chamber of the Supreme Judicial Council becomes enforceable.

(7) (Renumbered from Paragraph 3, amended, SG No. 1/2011, effective 4.01.2011, renumbered from Paragraph 6, supplemented, SG No. 62/2016, effective 9.08.2016) In all cases of absence, the administrative head shall issue a written order assigning the deputy administrative head to discharge all or part of the functions thereof. Where the administrative head has not specified who will deputise for him, the functions thereof shall be discharged by one of the deputy administrative heads thereof in order of seniority. Upon suspension from office of the administrative head, until the election of a new administrative head the functions of an administrative head shall be discharged by one of the deputy administrative heads, designated by the respective chamber of the Supreme Judicial Council, and should there be no deputy, by a judge or prosecutor designated in order of seniority.

(8) (New, SG No. 1/2011, effective 4.01.2011, renumbered from Paragraph 7, SG No. 62/2016, effective 9.08.2016) Where the administrative head does not have a deputy, in all cases of absence the said head shall issue a written order assigning a judge, prosecutor or investigating magistrate of the respective authority to discharge all or part of the functions thereof. Where the administrative head has not specified who will deputise for him, the functions thereof shall be discharged by one of the judges, prosecutors or investigating magistrates of the respective authority in order of seniority.

#### **Article 169**

(Amended, SG No. 1/2011, effective 4.01.2011, SG No. 62/2016, effective 9.08.2016)

(1) Eligibility for appointment as an administrative head, with the exception of a chairperson of the Supreme Court of Cassation, a chairperson of the Supreme Administrative Court and a prosecutor general, shall be limited to judges, prosecutors or investigating magistrates of a judicial authority of the same or a higher level, possessing a high professional standing and moral integrity, who have acquired tenure, who have received a "very good" or "good" positive aggregate score from the last periodic appraisal, and whereon any of the disciplinary sanctions under Item 3, 4, 5 or 6 of Article 308 (1) has not been imposed by an enforceable decision during the last five years. A judge, prosecutor or investigating magistrate of a judicial authority of a lower level, who satisfies the rest of the requirements under this Paragraph, as well as the requirements under Article 164, may be appointed as an exception.

(2) Eligibility for appointment as a deputy administrative head shall be limited to judges, prosecutors or investigating magistrates of a judicial authority of the same or a higher level, possessing a high professional standing and moral integrity, who have acquired tenure, who have received a "very good" or "good" positive aggregate score from the last periodic appraisal, and whereon any of the disciplinary sanctions under Item 3, 4, 5 or 6 of Article 308 (1) has not been imposed by an enforceable decision during the last five years. A judge, prosecutor or investigating magistrate of a judicial authority of a lower level, who satisfies the rest of the requirements under this Paragraph, as well as the requirements under Article 164, may be appointed as an exception. A judge or prosecutor who has not acquired tenure may be appointed deputy administrative head of a district court or a district prosecution office where a candidate who has acquired tenure cannot be nominated for the position concerned.

(3) A nomination for the appointment of a chairperson of a court, with the exception of a nomination for a chairperson of the Supreme Court of Cassation and a chairperson of the Supreme Administrative Court, may be made:

1. for chairperson of a district court: by the general assembly of judges of the respective district court;

2. for chairperson of a regional court: by the general assembly of judges of the respective regional court;

3. for chairperson of an appellate court: by the general assembly of judges of the respective appellate court;

4. for chairperson of an administrative court: by the general assembly of judges of the respective administrative court;

5. the Minister of Justice;

6. the candidate to occupy the position.

(4) A nomination for the appointment of a head of a prosecution office, with the exception of a nomination for a Prosecutor General, may be made:

1. for head of a prosecution office in the respective judicial district; by the heads of the superior prosecution offices;

2. for heads of the appellate prosecution offices: by the Prosecutor General;

3. the candidate to occupy the position;

4. the Minister of Justice.

(5) After release from office as an administrative head and deputy administrative head, the persons shall be reinstated to the position occupied before the election or to a position of an

equal degree, except in the cases where they have been appointed from a judicial authority of a lower level.

### **Article 170**

(Amended and supplemented, SG No. 33/2009, amended, SG No. 1/2011, effective 4.01.2011)

(1) Eligibility for appointment as an administrative head of a district court and of a district prosecution office shall be limited to persons who have practised law for at least five years and who meet the requirements of Article 169 (1).

(2) Eligibility for appointment as an administrative head of a regional court and of a regional prosecution office and as an administrative head of an administrative court shall be limited to persons who meet the requirements for service record under Article 164 (2) and (4), respectively, as well as the requirements under Article 169 (1). Eligibility for appointment as an administrative head of the specialised criminal court and of the specialised prosecution office shall be limited to persons who have a service record under Article 164 (2) to (4) of at least twelve years, of which at least eight years as a judge of criminal cases or a prosecutor in criminal cases, and who meet the requirements under Article 169 (1).

(3) Eligibility for appointment as an administrative head of the National Investigation Service, of an appellate court and of an appellate prosecution office shall be limited to persons who meet the requirements of Article 164 (5) and the requirements of Article 169 (1). Eligibility for appointment as an administrative head of the appellate specialised criminal court and of the appellate specialised prosecution office shall be limited to judges or prosecutors who have a service record under Article 164 (2) to (6) of at least twelve years, of which at least eight years as a judge of criminal cases or a prosecutor, and who meet the requirements of Article 169 (1).

(4) Eligibility for appointment as an administrative head of the Supreme Court of Cassation, of the Supreme Administrative Court and as Prosecutor General shall be limited to persons of high professional standing and moral integrity and who meet the requirements for service record under Article 164 (7).

(5) (New, SG No. 62/2016, effective 9.08.2016) Eligibility for appointment as chairperson of the Supreme Court of Cassation, chairperson of the Supreme Administrative Court and prosecutor general shall be limited to persons who meet the requirements for service record under Article 164 (7) and the following requirements:

1. an ability to adhere to and to enforce a high standard of ethics;
2. high professional competence: possession of in-depth knowledge in the field of law, ample practical experience in the relevant field of law, leadership and administrator skills, strong analytical powers;
3. strong independence, a will to enforce legality, determination in the discharge of official duties and contribution to the assertion of the legal State;

4. possession of developed skills of working in a team, of motivating co-workers, of holding others responsible and taking responsibility.

**Article 171**

(1) (Supplemented, SG No. 33/2009, SG No. 1/2011, effective 4.01.2011; declared unconstitutional with Judgment No. 10 of the Constitutional Court of the Republic of Bulgaria in its part regarding the words "open ballot", SG No. 93/2011; amended, SG No. 62/2016, effective 9.08.2016) The respective chamber of the Supreme Judicial Council shall adopt a reasoned decision on the appointment of the administrative heads or of the deputy administrative heads by the majority under Article 33 (4).

(2) Where none of the nominated candidates has gained the required majority, the election shall proceed in respect of the two candidates who have gained the most votes.

**Article 172**

(1) (Amended, SG No. 33/2009, amended and supplemented, SG No. 1/2011, effective 4.01.2011) There shall be the following administrative positions: chairperson of a division or of a college at the court, head of department at the prosecuting magistracy, head of a specialised department at the National Investigation Service, head of a regional investigation department at the regional prosecution office and head of the investigation department at the specialised prosecution office.

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

(3) (Amended, SG No. 33/2009, amended and supplemented, SG No. 1/2011, effective 4.01.2011) Chairpersons of divisions at the court, heads of departments at the prosecuting magistracy, heads of specialised departments at the National Investigation Service, heads of regional investigation departments at the regional prosecution offices and the head of the investigation department at the specialised prosecution office shall be appointed by the relevant administrative head.

**Article 173**

(Amended and supplemented, SG No. 50/2012, SG No. 28/2016, amended, SG No. 62/2016, effective 9.08.2016)

(1) The procedure for the election of candidates for chairperson of the Supreme Administrative Court, chairperson of the Supreme Administrative Court and prosecutor general shall be initiated by the Plenum of the Supreme Judicial Council not earlier than six months and not later than four months before the expiry of the term of office or within seven days from the occurrence of any circumstance under Article 175 (1).

(2) Nominations for a chairman of the respective court may be made by not fewer than three of the members of the respective chamber of the Supreme Judicial Council, the Minister of Justice, as well as the plenum of the Supreme Court of Cassation and the plenum of the Supreme Administrative Court.

(3) Nominations for a Prosecutor General may be made by not fewer than three of the members of the respective chamber of the Supreme Judicial Council, as well as by the Minister of Justice.

(4) Any such nominations shall be made at the four consecutive sessions following the session at which a decision to initiate the procedure is adopted.

(5) Any such nominations shall be accompanied by detailed reasons in writing and a personnel record for the candidate in a standard form endorsed by the respective chamber of the Supreme Judicial Council. The candidates shall submit a written concept on the work thereof in the respective position within 14 days from the expiry of the time limit for nominations under Paragraph (4). All documents submitted shall be published on the website of the Supreme Judicial Council not later than two months before the public hearing.

(6) The candidates for chairperson of the Supreme Court of Cassation and for chairperson of the Supreme Administrative Court shall be heard, respectively, by the plenum of the judges of the Supreme Court of Cassation and of the Supreme Administrative Court, who shall express an opinion on the availability of qualities under Article 170 (4) and (5).

(7) The Plenum of the Supreme Judicial Council shall announce the date, time and place for the hearing of each candidate at least one month before the conduct of the said hearing. The hearings shall be conducted in alphabetical order. The hearings shall be public and shall be streamed live on the website of the Supreme Judicial Council.

(8) (Amended, SG No. 17/2019) Not later than seven days prior to the hearing, non-profit legal entities designated for the pursuit of public benefit activities, the professional organisations of judges, prosecutors and investigating magistrates, higher educational establishments and scientific organisations may submit opinions about a candidate to the Supreme Judicial Council, including questions to be put to the said candidate. Anonymous opinions and alerts shall be ignored. The opinions and questions as submitted shall be published on the website of the Supreme Judicial Council within three days from the date of submission thereof in conformity with the requirements for personal data protection.

(9) The Commission on Appraisal and Competitions and the Commission on Professional Ethics with the respective chamber shall draw up reports on the professional standing and moral integrity of the candidate, thereby submitting the nominations to a discussion and vote by the respective chamber of the Supreme Judicial Council. The reports shall contain a conclusion regarding:

1. the legal requirements to occupy the position;
2. the existence of data that call into question the moral integrity, qualification, experience and professional standing of the candidate;
3. the specific background, qualities and motivation for the position concerned.

(10) The report of each commission shall be published on the website of the Supreme Judicial Council at least 14 days before the relevant candidate is put to the vote.

(11) (Supplemented, SG No. 29/2019) The Plenum of the Supreme Judicial Council shall adopt a decision on the election of a candidate by a majority of not less than seventeen votes of the members thereof in a secret ballot and shall immediately send said decision to the President of the Republic.

(12) Where none of the candidates has gained seventeen or more of the votes of the members of the Plenum of the Supreme Judicial Council in the first round of voting, the election shall proceed in respect of the two candidates who have gained the most votes.

(13) Where the President of the Republic refuses to appoint a candidate nominated by the Plenum of the Supreme Judicial Council and the same candidate is not re-nominated, the new election shall take place under the terms and according to the procedure established by Paragraphs (1) to (12).

#### **Article 174**

(Amended, SG No. 50/2012, SG No. 28/2016, SG No. 62/2016, effective 9.08.2016)

(1) The Director of the National Investigation Service shall be elected on a nomination by not fewer than three of the members of the Prosecutors Chamber, as well as on a nomination by the Prosecutor General or the Minister of Justice, by a majority of not less than eight votes by the members of the Prosecutors Chamber of the Supreme Judicial Council.

(2) Any such nominations shall be made at two consecutive sessions of the Prosecutors Chamber of the Supreme Judicial Council following the session at which a decision to initiate the procedure is adopted, and shall be considered not earlier than 30 days after the receipt of the last nomination.

(3) The term of office of the Director of the National Investigation Service shall commence on the day of entry into office.

#### **Article 175**

(1) (Amended, SG No. 1/2011, effective 4.01.2011) An administrative head shall be released from office early pursuant to Article 129 (3) of the Constitution of the Republic of Bulgaria.

(2) (Amended, SG No. 1/2011, effective 4.01.2011) An administrative head shall furthermore be released from office early in the cases where the said head has been released from office as a judge, prosecutor or investigating magistrate pursuant to Items 2 to 5 of Article 129 (3) of the Constitution of the Republic of Bulgaria.

(3) (Amended, SG No. 1/2011, effective 4.01.2011) A proposal for the early release from office of 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,

shall be made in writing:

1. not earlier than two months and not later than one month prior to the expiry of the term of office or the attainment of the age of 65 years;

2. within three days of becoming aware of the circumstances under Items 2 to 5 of Article 129 (3) of the Constitution of the Republic of Bulgaria.

(4) (Supplemented, SG No. 28/2016) Upon early termination of the credentials of an administrative head, a person shall be appointed in his or her stead, whose term of office shall begin to run as from the date of entry into office. Until the entry into office of a new administrative head, the functions thereof shall be discharged by a deputy administrative head designated by the Supreme Judicial Council.

(5) (Supplemented, SG No. 1/2011, effective 4.01.2011, SG No. 28/2016) The grounds for early release 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 Plenum of the Supreme Judicial Council by a decision adopted according to the procedure established by Article 173, and the release of the said chairperson and prosecutor shall thereafter be proposed to the President of the Republic of Bulgaria. The President may not refuse the release if the proposal is resubmitted.

(6) (Amended, SG No. 50/2012, supplemented, SG No. 28/2016, amended, SG No. 62/2016, effective 9.08.2016) The grounds for early release of the Director of the National Investigation Service shall be ascertained by the Prosecutors Chamber of the Supreme Judicial Council by a decision adopted according to the procedure applicable to the election of the said Director.

(7) (New, SG No. 1/2011, effective 4.01.2011, supplemented, SG No. 28/2016) A deputy administrative head may be released from office by a decision of the respective chamber of the Supreme Judicial Council, acting on a proposal by the administrative head. A deputy administrative head shall furthermore be released in the cases where the said head has been released from office as a judge, prosecutor or investigating magistrate pursuant to Article 129 (3) of the Constitution of the Republic of Bulgaria.

## **Section Ia**

**(New, SG No. 62/2016, effective 1.01.2017)**

# **Verification of Financial Interests Disclosure Declarations of Judges, Prosecutors and Investigating Magistrates**

### **Article 175a**

(New, SG No. 62/2016, effective 1.01.2017)

(1) Judges, prosecutors and investigating magistrates shall submit the following declarations to the Inspectorate with the Supreme Judicial Council:

1. a two-part financial interests disclosure declaration;

2. (supplemented, SG No. 7/2018) a declaration on change in circumstances declared in the declaration under Item 1 in the part on interests under Items 11 to 13 of Article 175b (1) and on the sources of the funds upon early repayment of obligations and loans.

(2) The declaration under Paragraph (1) shall be submitted in a standard form endorsed by the Inspector General.

(3) The declarations shall be submitted:

1. on a paper-based data medium, accompanied by a copy on an electronic data medium, or

2. (amended, SG No. 85/2017) by electronic means, signed using a qualified electronic signature created according to the requirements of Regulation (EU) No. 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ, L 257/73 of 28.8.2014) and of the Electronic Document and Electronic Trust Services Act.

(4) The declarations shall be kept for a period of ten years.

(5) The declarations shall be destroyed after the expiry of the period under Paragraph (4) by a commission appointed by order of the Inspector General.

**Article 175b**

(New, SG No. 62/2016, effective 1.01.2017)

(1) Judges, prosecutors and investigating magistrates shall submit a declaration disclosing financial interests in Bulgaria and abroad, wherein they shall declare:

1. any immovable property;

2. any land motor vehicles, watercraft and aircraft, as well as other means of transport subject to registration by law;

3. any sums of money, including deposits, bank accounts and receivables, of an aggregate value exceeding BGN 10,000, including in a foreign currency;

4. social insurance at pension funds for supplementary voluntary insurance, if the aggregate value thereof exceeds BGN 10,000;

5. (amended, SG No. 15/2018, effective 16.02.2018) any certificated securities, any participating interests in limited liability companies and limited partnerships and any financial instruments under Article 4 of the Markets in Financial Instruments Act;

6. any obligations and credit exceeding BGN 10,000, including credit cards, if the credit limit absorbed during the previous calendar year in local or in foreign currency exceeds BGN 10,000 in aggregate;

7. any income other than such for the position occupied, received during the previous calendar year, in an amount exceeding BGN 1,000;

8. any immovable property of another and any land motor vehicles, watercraft and aircraft of another, of a value exceeding BGN 10,000, which the person or the spouse thereof or the de facto cohabitant therewith uses continuously regardless of the grounds for this and the conditions for use;

9. any collaterals furnished and any expenditures incurred therefrom or to the benefit thereof, or to the benefit of any persons under Paragraph (4) with the consent thereof, where not paid by own resources, by public resources or by resources of the institution whereat the persons occupy the position, for:

(a) training;

(b) travel;

(c) other payments at a unit price exceeding BGN 1,000;

10. any expenditure on training other than those under Item 9, to the benefit of any persons under Paragraph (4), of a unit value exceeding BGN 1,000;

11. any participation in commercial corporations, in management or control bodies of commercial corporations, of non-profit legal entities or of cooperatives, as well as carrying on business as a sole trader by the date of election or appointment and 12 months prior to the date of election or appointment;

12. any contracts with persons who carry out activities in fields related to the decisions made by the person within the official powers or duties thereof;

13. data on closely linked persons in the activity whereof the judge, prosecutor or investigating magistrate has a private interest.

(2) The balances or, respectively, the residual amount of the obligation, by 31 December of the previous calendar year shall be stated upon the annual declaration of the financial interests under Items 3 to 6.

(3) The legal grounds and the origin of the resources on which the financial interests under Paragraph (1) have been required shall also be stated when declaring the said property, if the said property was acquired while occupying the position of judge, prosecutor or investing magistrate.

(4) Judges, prosecutors and investigating magistrates shall declare the financial interests and income of the spouses thereof or of the de facto cohabitants therewith, and of the children who have not attained majority.

(5) Judges, prosecutors and investigating magistrates shall not declare the financial interests of the spouses thereof upon de facto separation and of the children who have not attained majority where they do not exercise parental rights.

(6) The obligated person shall submit a declaration on the circumstances under Paragraph (5).

(7) Judges, prosecutors and investigating magistrate may declare that they do not wish the information regarding the de facto cohabitant therewith and regarding the financial interests and income of the said person to be published.

**Article 175c**

(New, SG No. 62/2016, effective 1.01.2017)

(1) A declaration disclosing financial interests shall be submitted:

1. within one month from the occurrence of the capacity which is grounds for declaring;
2. annually, on or before 15 May: for the previous calendar year;
3. within one month from the loss of the capacity which is grounds for declaring;
4. within one month from the expiry of one year after the submission of the declaration under Item 3.

(2) The declaration under Item 2 of Article 175a (1) shall be submitted within month from the occurrence of the change.

(3) Within one month from the submission of a declaration disclosing financial interests, the person concerned may modify the declaration thereof, where so required to cure deficiencies or errors in the circumstances declared.

(4) Within one month from the expiry of the time limits under Paragraphs (1) to (3), the Inspectorate with the Supreme Judicial Council shall publish on the website thereof the declarations of the judges, prosecutors and investigating magistrates and a list of the persons who have failed to submit declarations when due.

**Article 175d**

(New, SG No. 62/2016, effective 1.01.2017)

(1) The Inspectorate with the Supreme Judicial Council shall keep and maintain electronic public registers:

1. of the declarations under Items 1 and 2 of Article 175a (1);
2. of the enforceable penalty decrees.

(2) The Inspectorate with the Supreme Judicial Council shall enter the declarations disclosing financial interests and modifying the declared circumstances into the public register under Item 1 of Paragraph (1). Entry shall be effected solely by employees empowered by the

Inspector General.

(3) The public register under Item 1 of Paragraph (1) shall contain the incoming number, the date of the declaration, and the information under Article 175b (1).

(4) Every person shall have the right to access the data of the public register.

(5) (Amended, SG No. 17/2019) Access shall be available through the website of the Inspectorate with the Supreme Judicial Council in conformity with the requirements for personal data protection.

**Article 175e**

(New, SG No. 62/2016, effective 1.01.2017)

(1) (Amended, SG No. 7/2018) Within six months from the expiry of the time limit for the submission of the declaration, the Inspectorate with the Supreme Judicial Council shall verify the truthfulness of the facts declared.

(2) For conduct of the verification, the Inspectorate with the Supreme Judicial Council shall be entitled to direct access to the electronic databases and other repositories maintained by central and local government authorities, by the judicial authorities and other institutions, wherewith the facts declared are subject to entry, disclosure or certification.

(3) The Inspectorate with the Supreme Judicial Council shall have direct access by electronic means and at no charge to the repositories of the central and local government authorities, with the exception of the security services. The procedure for the provision of information by other authorities, where direct access is impossible due to the technical requirements, shall be settled by an agreement between the Inspector General and the authority concerned.

(4) The Inspectorate with the Supreme Judicial Council may request additional information from the State bodies, the bodies of local self-government and local administration, the judicial authorities and from other institutions wherewith the facts declared are subject to entry, disclosure or certification.

(5) The bodies and institutions under Paragraph (4) shall be bound to provide the necessary information within one month from the receipt of the request.

(6) (Amended, SG No. 49/2018) The Inspectorate with the Supreme Judicial Council may receive information from the Information Systems referred to in Articles 56 and 56a of the Credit Institutions Act. The Inspector General and the inspectors with the Inspectorate with the Supreme Judicial Council may require from the regional court, within the jurisdiction of which the permanent address of the person is located, to allow disclosure of a bank secret, except in the cases where consent has been given in accordance with Article 62, Paragraph (5), Item 1 of the Credit Institutions Act.

(7) The Inspectorate with the Supreme Judicial Council may furthermore require the disclosure of data covered by insurance secrecy, as well as of tax and social-insurance

information.

**Article 175f**

(New, SG No. 62/2016, effective 1.01.2017)

(1) The verification shall be carried out by comparing the facts declared with the information obtained.

(2) In case of a failure to submit a declaration for the current year, the verification under Paragraph (1) shall be carried out on the basis of the last declaration submitted.

**Article 175g**

(New, SG No. 62/2016, effective 1.01.2017)

(1) The verification shall be concluded by a report on correspondence, where no difference has been established between the facts declared and the information obtained. In the rest of the cases, the verification shall be concluded by a report on lack of correspondence.

(2) Where a lack of correspondence is established, the Inspectorate with the Supreme Judicial Council shall notify the person concerned and shall allow thereto a 14-day time limit to rectify the deficiencies and errors in the circumstances declared. The deficiencies and errors shall be rectified by means of submitting a new declaration.

(3) The Inspectorate with the Supreme Judicial Council shall publish on the website thereof a list of the persons in respect of whom a lack of correspondence in the declarations has been established and where any such lack of correspondence has not been rectified within the time limit under Paragraph (2).

(4) Where the lack of correspondence between the facts as declared and as established after the time limit under Paragraph (2) amounts to not less than BGN 20,000, the Inspectorate with the Supreme Judicial Council shall transmit the report to the competent authority for the conduct of a check of the property status of the person. The Inspector General shall be notified of the results of the check within 14 days after the completion thereof.

**Article 175h**

(New, SG No. 62/2016, effective 1.01.2017)

(1) In the cases of a lack of correspondence amounting to BGN 5,000 or exceeding this amount but not exceeding BGN 20,000, as well as where there are data of a conflict of interest, the Inspectorate with the Supreme Judicial Council shall institute an additional verification against the person concerned, within which the said person shall declare the information under Article 175b (1), as well as any other information as may be necessary for the conduct of the verification.

(2) Upon the verification of the facts declared, data shall be required about the balances and movements on the bank accounts of the persons, about the financial instruments held thereby and the transactions in financial instruments as effected from the registers of the Central Depository, information from the information systems of the Ministry of Interior, and the person inspected shall be afforded an opportunity to give written explanations and to present evidence.

(3) The additional verification shall be concluded by a reasoned report by the verifying team on the presence or lack of correspondence. A report on lack of correspondence shall

furthermore be drawn up in case that even after the additional collection of information there is a difference between the data declared and the information obtained whereof the property value exceeds BGN 5,000.

(4) Where a report on lack of correspondence is drawn up under Paragraph (3), the competent authorities shall be notified as well to take the appropriate action.

(5) An additional verification shall also be carried out upon the appraisal of a judge, prosecutor or investigating magistrate for the purpose of acquiring tenure, as well as where an alert has been submitted, conforming to the terms established by Article 175k (5) and containing data on a lack of correspondence between the property status thereof and the declaration under Article 175b (1) exceeding BGN 5,000.

## **Section Ib**

**(New, SG No. 62/2016, effective 1.01.2017)**

# **Integrity Testing and Examinations for Conflict of Interest and Checks for Identifying Actions Damaging Prestige of Judiciary, and Checks Related to Impairment of Independence of Judges, Prosecutors and Investigating Magistrates**

### **Article 175i**

(New, SG No. 62/2016, effective 1.01.2017)

(1) A conflict of interest arises where a judge, prosecutor or investigating magistrate has a private interest that may affect the impartial and objective execution of the official powers or duties thereof.

(2) "Private interest" means any interest which results in a financial or non-financial benefit to a person under Paragraph (1) or to any persons who are closely linked therewith, including any obligation assumed.

(3) "Benefit" means any pecuniary or non-pecuniary income, including the acquisition of participating interests or shares, as well as granting, transferring or renouncing rights, acquiring goods or service gratuitously or at prices below the market prices, receiving a privilege or honour, assistance, vote, support or influence, advantage, obtaining or receiving a promise to obtain a job, a position, a gift, a reward or a promise to avoid a loss, liability, sanction or another adverse event.

(4) Any judge, prosecutor or investigating magistrate, who has a private interest on a particular occasion apart from the examination of cases and case files, shall be bound to submit a declaration of conflict of interest to the Inspectorate with the Supreme Judicial Council and to suspend the execution of the powers thereof with regard to the person or activity concerned.

(5) Where a law provides for special grounds for recusals and self-recusals, the special law

shall apply.

(6) Immediately after the disposal of the cases by an enforceable judicial instruments, as well as in the case files and cases of prosecutors and investigating magistrates, the administrative heads of the judicial authorities shall transmit to the Inspectorate with the Supreme Judicial Council duplicate copies of the judicial instruments and the instruments of the prosecutors and investigating magistrates which have been reversed by reason of a breach of the legal provisions regulating the grounds for recusal from the examination of case files of a judge, prosecutor or investigating magistrate.

**Article 175j**

(New, SG No. 62/2016, effective 1.01.2017)

(1) The object of an examination of a judge, prosecutor or investigating magistrate for a conflict of interest shall be to establish sufficient data about the existence of a private interest in the discharge of the particular official functions of the person.

(2) The object of integrity testing of a judge, prosecutor or investigating magistrate shall be to establish whether the person accepts financial or non-financial benefits outside the scope of the law regardless of the nature of such benefits, that may call into question the independence and impartiality of the said judge, prosecutor or investigating magistrate.

(3) The object of the check for independence of a judge, prosecutor or investigating magistrate shall be to establish whether, upon the discharge of the official duties thereof, the person exerts or yields to pressure, threats, inducements, direct or indirect influences by public office holders or private influence, internal or external to the judicial system.

(4) The object of the check for identifying actions damaging the prestige of the Judiciary is to establish whether the behaviour of the person is at variance with the established public notions of decorum and whether the actions of the said person dishonour the judge, prosecutor or investigating magistrate professionally and in society.

**Article 175k**

(New, SG No. 62/2016, effective 1.01.2017)

(1) Any person in possession of data about a private interest of a judge, prosecutor or investigating magistrate in the discharge of particular official functions thereof or about any actions that are in conflict with the principles of integrity, damage the prestige of the Judiciary or are related to impairment of the independence of judges, prosecutors or investigating magistrates, may submit an alert to the Inspectorate with the Supreme Judicial Council.

(2) A publication in the mass communication media shall also be eligible as an alert if it satisfies the conditions under Items 2 to 4 of Paragraph (5).

(3) Each alert shall be registered at the Inspectorate with the Supreme Judicial Council immediate after the receipt thereof.

(4) Any alerts which do not fall within the competence of the Inspectorate with the Supreme Judicial Council shall immediately be forwarded to the competent authority.

(5) Each alert must set out:

1. forename, patronymic and surname, Single Public Registry Personal Number, address, telephone number, facsimile number and electronic address, if any;

2. the names of the person against whom the alert is submitted, and the position occupied thereby;

3. specific data about the alleged breach, including place and period of commission of the breach, description of the act and other circumstances whereunder it was committed;

4. reference to documents or other sources which containing information supporting the allegations in the alert, including indication of details of persons who could confirm the data reported or provide additional information;

5. date of submission of the alert;

6. signature of the whistleblower.

(6) Any kind of sources of information supporting the allegations set forth in the alert may be attached thereto.

(7) The Inspector General shall endorse a standard form of an alert, which shall be accessible on the website of the Inspectorate with the Supreme Judicial Council, as well as on site.

(8) The Inspector General shall be responsible for ensuring technical possibilities for the submission of alerts in a manner ensuring communication with the whistleblower but preventing disclosure of the identity thereof.

**Article 175l**

(New, SG No. 62/2016, effective 1.01.2017)

(1) The testing, examinations and checks under this Section shall commence by an order of the Inspector General:

1. acting on an alert which satisfies the conditions under Article 175k (5);

2. acting on a request by a judge, prosecutor or investigating magistrate, where subject to the testing, examination or check;

3. on the ex officio initiative of the Inspectorate with the Supreme Judicial Council, where data about breaches under this Section have been established upon conduct of the inspections under Article 56 (1);

4. upon receipt of a judicial instrument under Article 175i (6).

(2) The order of the Inspector General under Article 58 (1) shall furthermore specify the

grounds for commencement of the testing, examination or check.

**Article 175m**

(New, SG No. 62/2016, effective 1.01.2017)

(1) The Inspectorate with the Supreme Judicial Council shall carry out the testing, examinations and checks under this Section within two months from the registration of the alert, and this time limit may be extended on a single occasion by one month by an order of the Inspector General.

(2) Data relevant to the object of the testing, examination or check shall be gathered and the person inspected in the course of the testing, examinations or checks.

(3) When carrying out the testing, examinations and checks under this Section, the Inspectorate with the Supreme Judicial Council shall have the rights under Article 175e (2) to (7).

**Article 175n**

(New, SG No. 62/2016, effective 1.01.2017)

(1) Each testing, examination or check shall be concluded by drawing up a reasoned report which shall set out the steps performed under the testing, examination or check and the facts and circumstances established. The said report shall contain a specific opinion regarding the lack of presence of sufficient data of a conflict of interest or, respectively, of any actions or omissions that are in conflict with the principles of integrity, damage the prestige of the Judiciary, or are related to impairment of the independence of judges, prosecutors and investigating magistrates.

(2) The report shall be laid for consideration before the Inspectorate with the Supreme Judicial Council, which shall adopt a decision to abandon the testing, examination or check for lack of sufficient data under Paragraph (1) or to approach the respective chamber of the Supreme Judicial Council with a proposal to impose a disciplinary sanction or to ascertain a conflict of interest where sufficient data are available. Upon the establishment of data about an impairment of the independence of a judge, prosecutor and investigating magistrate by a person who does not possess this capacity, the head of the said person shall be notified.

(3) The person inspected shall be notified of the results of the testing, examination or check and of the decision of the Inspectorate with the Supreme Judicial Council on the report.

**Article 175o**

(New, SG No. 62/2016, effective 1.01.2017)

(1) Where the proposal for a disciplinary sanction under Article 175n is based on data about a conflict of interest, by the decision thereof the Inspectorate with the Supreme Judicial Council shall simultaneously approach the respective chamber of the Supreme Judicial Council with a proposal to institute a proceeding for ascertainment of a conflict of interest.

(2) A joint proceeding under Chapter Sixteen shall be instituted on the proposals to ascertain a conflict of interest and to impose a disciplinary sanction, with evidence taken according to the procedure established by the Code of Administrative Procedure, the person being heard and being afforded an opportunity to lodge an objection, inter alia on the issue of conflict of interest. In such case, the decision shall contain separate pronouncements regarding the presence or absence of a conflict of interest and on the imposition of a disciplinary sanction,

which shall be appealed according to the procedure established by Article 323 and shall be made public according to the procedure established by Article 324.

(3) Within seven days after a decision whereby a conflict of interest has been ascertained becomes enforceable, the respective chamber of the Supreme Judicial Council shall notify the competent authorities to institute a proceeding for a check of the property status of the person, where this is provided for by law, or for the enforcement of the legally established patrimonial consequences of the breach.

**Article 175p**

(New, SG No. 62/2016, effective 1.01.2017)

(1) Any person, who has submitted an alert, may not sustain any adverse consequences on that ground alone.

(2) The persons. who have been assigned to examine the alert, shall be bound:

1. not to disclose the identity of the person who submitted the alert;

2. not to make public and facts and data of which they have become aware in connection with the examination of the alert;

3. to safeguard the written documents entrusted thereto against unauthorised access by third parties.

(3) The information under Paragraph (2) shall constitute an official secret.

(4) The persons under Paragraph (2) shall propose to the respective heads the taking of specific measures for safeguarding the identity of the whistleblower, including measures preventing acts by which mental or physical pressure is exerted thereon.

(5) In special cases, the Inspector General may seek the assistance of the Ministry of Interior for the taking of additional measures for the protection of the person who has submitted an alert.

(6) The Inspector General shall endorse rules ensuring the measures for safeguarding the identity of the whistleblower.

**Article 175q**

(New, SG No. 62/2016, effective 1.01.2017)

Any person, who has been discharged, persecuted or subjected to acts leading to mental or physical harassment by reason of having submitted an alert, shall be entitled to compensation for any damage to property and personal injury sustained thereby, according to a judicial procedure.

**Article 175r**

(New, SG No. 62/2016, effective 1.01.2017)

Information on unconcluded testing, examinations and checks under this Section shall not be provided, except in the cases provided for.

**Article 175s**

(New, SG No. 62/2016, effective 1.01.2017)

The person inspected shall be entitled to defence by counsel in the course of the testing, examinations and checks and the proceedings under this Section.

**Article 175t**

(New, SG No. 62/2016, effective 1.01.2017)

The Code of Administrative Procedure shall apply to any matters unregulated in this Section.

**Section II**

**Competition for Junior Judges and Junior Prosecutors.  
Competition for Junior Judges, Junior Prosecutors and  
Junior Investigating Magistrates  
(Heading amended, SG No. 1/2011, effective 4.01.2011, SG  
No. 62/2016, effective 9.08.2016)**

**Article 176**

(1) For occupying a position in the judicial authorities, a centralised competition shall be held for:

1. (amended, SG No. 62/2016, effective 9.08.2016) junior judges, junior prosecutors and junior investigating magistrates;

2. (supplemented, SG No. 62/2016, effective 9.08.2016) initial appointment at a district, regional and administrative court and the respective prosecution offices;

(2) (Amended, SG No. 32/2011, effective 19.04.2011) The competition under Item 1 of Paragraph (1) shall take place once annually and shall be announced in January and held in April of the relevant year.

(3) (Amended, SG No. 32/2011, effective 19.04.2011) The competition under Item 2 of Paragraph (1) shall take place at least once annually and not later than two months after it is announced.

**Article 177**

(Amended, SG No. 33/2009)

(1) (Supplemented, SG No. 28/2016, amended, SG No. 62/2016, effective 9.08.2016) The positions for junior judges, junior prosecutors and junior investigating magistrates shall be planned by the respective chamber of the Supreme Judicial Council on a proposal by the administrative heads of the judicial authorities for each succeeding calendar year.

(2) (Amended, SG No. 62/2016, effective 9.08.2016) The positions planned for junior judges, junior prosecutors and junior investigating magistrates may not be transformed after the competition is announced.

(3) (Amended, SG No. 62/2016, effective 9.08.2016) Vacated positions for junior judges, junior prosecutors and junior investigating magistrates may not be transformed into positions for judges and prosecutors.

#### **Article 178**

(1) (Amended, SG No. 33/2009, SG No. 62/2016, effective 9.08.2016, SG No. 90/2017) The Supreme Judicial Council shall designate up to 10 per cent of the number of vacant positions in the court, the prosecuting magistracy and the investigating authorities to be occupied by a competition for initial appointment.

(2) (Amended, SG No. 33/2009, supplemented, SG No. 62/2016, effective 9.08.2016, SG No. 90/2017) The percentages under Paragraph (1) shall be specified separately according to the needs of each judicial authority for each of the levels in the court, the prosecuting magistracy and the investigating authorities.

(3) (New, SG No. 1/2011, effective 4.01.2011) The vacant positions under Paragraph (1) shall be announced simultaneously with the announcement of the vacant positions in the judicial authorities under Article 188.

(4) (New, SG No. 1/2011, effective 4.01.2011; declared unconstitutional with Judgment No. 10 of the Constitutional Court of the Republic of Bulgaria, SG No. 93/2011)

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The provision of Paragraph (1) shall not apply to any vacant positions at the specialised courts and prosecution offices.

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#### **Article 179**

(Supplemented, SG No. 28/2016, amended, SG No. 62/2016, effective 9.08.2016)

The positions for junior judges, junior prosecutors and junior investigating magistrates and the vacant positions for initial appointment shall be announced by the respective chamber of the Supreme Judicial Council by means of promulgation in the State Gazette, publication in one national daily newspaper and on the website of the Supreme Judicial Council.

#### **Article 180**

(1) (Amended, SG No. 28/2016) The respective chamber of the Supreme Judicial Council shall announce a separate competition for each judicial authority by means of promulgation of the decision in the State Gazette, publication of the said decision in one national daily newspaper 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 authorities to which these refer;

2. the documents required, the deadline and place for the submission thereof;
3. the programme for holding of the competition;
4. the date, time and place of holding of the competition.

#### **Article 181**

(1) (Amended, SG No. 62/2016, effective 9.08.2016) A person who meets the requirements under Article 162 may enter the competition for junior judges, junior prosecutors and junior investigating magistrates.

(2) A person who meets the requirements of Article 162 and has the service record under Article 164 required for the position for which the competition is announced may enter the competition for initial appointment.

(3) (New, SG No. 62/2016, effective 9.08.2016) Any candidates, who have been approved according to the procedure established by Article 186 (7) by a decision of the respective chamber of the Supreme Judicial Council, may not enter the competitions under Paragraphs (1) and (2).

(4) (Amended, SG No. 1/2011, effective 4.01.2011, renumbered from Paragraph 3, amended, SG No. 62/2016, effective 9.08.2016) In order to enter the competitions under Paragraphs (1) and (2), an application shall be submitted to the administration of the Supreme Judicial Council, accompanied by the following documents:

1. a detailed curriculum vitae signed by the candidate;
2. a notarised copy of the diploma of the award of a university degree in law;
3. a notarised copy of a licence to practise law;
4. (repealed, SG No. 103/2017, effective 1.01.2018);
5. a medical certificate issued as a result of a conducted medical examination that the person does not suffer from a mental condition;
6. (supplemented, SG No. 62/2016, effective 9.08.2016) a notarised copy of a work book, a civil service book and/or a social insurance card or another document certifying the respective length of service under Article 164 for the position;
7. (new, SG No. 62/2016, effective 9.08.2016) at least two references from instructors in legal sciences, judges, prosecutors, investigating magistrates, lawyers or other jurists wherewith the internship for a licence to practise law took place and who are familiar with the moral integrity and professional standing of the candidate;
8. (new, SG No. 62/2016, effective 9.08.2016) a questionnaire completed in a standard form drawn up by the respective chamber of the Supreme Judicial Council, in connection with

the moral integrity possessed by the candidate;

9. (new, SG No. 62/2016, effective 9.08.2016) a motivation letter;

10. (renumbered from Item 7, SG No. 62/2016, effective 9.08.2016) other documents which, in the judgment of the candidate, are relevant to the professional standing or moral integrity thereof.

(5) (New, SG No. 62/2016, effective 9.08.2016) The decision of the respective chamber, whereby the candidate is denied entry into the competition, shall be reasoned and shall be appealable according to the procedure established by Article 182.

#### **Article 182**

(1) (Amended, SG No. 1/2011, effective 4.01.2011, SG No. 28/2016, supplemented, SG No. 103/2017, effective 1.01.2018) The Commission on Appraisal and Competitions with the respective chamber shall check the documents, and the circumstances relating to the previous conviction status of candidates shall be established by official channels, and shall admit all candidates who satisfy the conditions under Article 181 to entry into the competition.

(2) The lists of persons admitted to and denied entry into the competition shall be announced on the website of the Supreme Judicial Council at least seven days prior to the date of holding of the competition.

(3) The list of persons who are denied entry into the competition shall also specify the grounds for the denial of entry.

(4) (New, SG No. 62/2016, effective 9.08.2016) Any candidates who have been denied entry into the competition may dispute the denial of entry thereof before the respective chamber of the Supreme Judicial Council within three days after the list under Paragraph (2) is announced on the website of the Supreme Judicial Council.

(5) (New, SG No. 62/2016, effective 9.08.2016) Within seven days from the receipt of the appeal, the respective chamber of the Supreme Judicial Council shall pronounce by a decision, thereby dismissing the appeal or admitting the candidate. Any such decision shall be announced on the website of the Supreme Judicial Council.

(6) (New, SG No. 62/2016, effective 9.08.2016) Any decision under Paragraph (5) shall be appealable before the Supreme Administrative Court within seven days after being announced.

(7) (New, SG No. 62/2016, effective 9.08.2016) The Supreme Administrative Court, sitting in camera, shall examine the appeal within seven days, and duplicate copies of the said appeal shall not be served on the parties. The judgment of the Court shall be final.

(8) (New, SG No. 62/2016, effective 9.08.2016) The appellate review under Paragraphs (4) and (6) shall not stay the enforcement.

#### **Article 183**

(Amended and supplemented, SG No. 28/2016, amended, SG No. 62/2016, effective 9.08.2016)

(1) The respective chamber of the Supreme Judicial Council shall designate five-member competition commissions for the holding of the competitions for the positions announced at the district, regional and administrative courts and at the prosecution offices.

(2) (Amended, SG No. 29/2019) The members of the competition commission shall comprise one academic-degree-holding scholar in legal sciences in the respective subject matter, as well as four members enjoying the status of a sitting judge, prosecutor or investigating magistrate, designated as follows:

1. upon the holding of a competition for a junior judge and initial appointment of a judge at a district court: nominated according to the competition subject matter by the general assemblies of judges of the regional courts for each appellate district, the judges of the regional courts within an appellate district shall hold one general assembly;

2. upon the holding of a competition for initial appointment of a judge at a regional court: nominated according to the competition subject matter by the general assemblies of all appellate courts;

3. upon the holding of a competition for initial appointment of a court at an administrative court: by the plenum of the judges at the Supreme Administrative Court, designated from among them by the drawing of lots;

4. upon the holding of a competition for a junior prosecutor and initial appointment of a prosecutor at a district prosecution office: by the assemblies of the prosecutors at all regional prosecution offices for each appellate district;

5. upon the holding of a competition for initial appointment of a prosecutor at a regional prosecution office: by the assemblies of the prosecutors of all appellate prosecution offices;

6. upon the holding of a competition for a junior investigating magistrate and initial appointment of an investigating magistrate: by the assembly of investigating magistrates at the National Investigation Service.

(3) The respective chamber of the Supreme Judicial Council shall elect the members of the competition commission by the drawing of lots from among the nominations made by the authorities under Items 1, 2, 4, 5 and 6 of Paragraph (2). The competition commission shall elect a chairperson from among the members thereof enjoying the status of a sitting judge, prosecutor or investigating magistrate.

(4) The authorities under Items 1 to 6 of Paragraph (2) shall approach the respective chamber of the Supreme Judicial Council with nominations of members for participants in the competition commission once every three years. The participants may be nominated more than once.

(5) The members of the competition commission must have acquired tenure and any of the disciplinary sanctions under Item 3, 4, 5 or 6 of Article 308 (1) must not have been imposed thereon by an enforceable decision during the last five years. Members of the Supreme Judicial Council and administrative heads may not participate in the competition commission.

(6) Participation in the competition commission shall be taken into consideration upon the preparation of an appraisal and upon determining the caseload of the judge, prosecutor or investigating magistrate concerned.

#### **Article 184**

(1) The competition shall consist of a written and oral examination, which shall be graded on a six-point scale.

(2) (Amended, SG No. 62/2016, effective 9.08.2016) The written examination shall be anonymous and shall consist in:

1. testing knowledge in the field of law chosen by the candidate by solving a legal problem;
2. testing knowledge of European Union law and in the field of human rights by a test.

(3) The results of the written examination shall be displayed at a place accessible to the general public in the building of the Supreme Judicial Council and shall be published on the website thereof within three days after the commission for the holding of the examination has signed the memorandum.

(4) (Amended, SG No. 62/2016, effective 9.08.2016) Solely candidates who have received a score not lower than "very good 4.50" for the legal problem and the test under Paragraph (2) shall be admitted to the oral examination.

(5) The oral examination shall take place not earlier than 7 days after the announcement under Paragraph (3).

(6) (New, SG No. 62/2016, effective 9.08.2016) The oral examination shall consist in an interview with the candidate on questions of the respective fields of law under Paragraph (2), as well as on questions of the Code of Ethical Behaviour of Bulgarian Magistrates, according to a compendium published in advance.

#### **Article 185**

(1) (Supplemented, SG No. 62/2016, effective 9.08.2016) The competition commission shall display the results of the oral examination within seven days from the conduct of the said examination at a place accessible to the general public in the building of the Supreme Judicial Council and shall publish the said results on the website thereof. The ranking shall be limited to the candidates who have received a score not lower than "good 4.00" for the oral examination.

(2) (Repealed, SG No. 33/2009).

(3) (Repealed, SG No. 33/2009).

## **Article 186**

(Supplemented, SG No. 33/2009, amended, SG No. 1/2011, effective 4.01.2011, SG No. 32/2011, effective 1.01.2012)

(1) The competition commission shall rank the entrants in the competition under Item 1 of Article 176 (1) according to the score arrived at as a sum total of the scores received for the written and the oral examination. In case of equal scores, the competition commission shall give preference to the candidate with a higher overall score from the State final certification examinations.

(2) (Amended, SG No. 28/2016, SG No. 62/2016, effective 9.08.2016) Within seven days from the announcement of the ranking, the candidates shall submit the declarations under Article 19a (1) to the Supreme Judicial Council. The Commission on Professional Ethics with the respective chamber shall provide the said chamber with information on the moral integrity possessed by the candidates ranked for the positions opened to competition and shall prepare an opinion on each candidate.

(3) (Amended, SG No. 28/2016, SG No. 62/2016, effective 9.08.2016) On the basis of the results of the ranking under Paragraph (1) and the opinion under Paragraph (2), the competition commission shall propose to the respective chamber of the Supreme Judicial Council to approve the candidates for junior judge, junior prosecutor and junior investigating magistrate.

(4) (Amended, SG No. 28/2016, supplemented, SG No. 62/2016, effective 9.08.2016) The respective chamber of the Supreme Judicial Council shall adopt a decision approving the candidates, verifying whether the candidates ranked satisfy the requirements of Article 162 and Article 185 (1). Such verification shall be based on all documents concerning the candidate as submitted thereby as well as by the Commission on Professional Ethics with the respective chamber.

(5) (Amended, SG No. 28/2016, supplemented, SG No. 62/2016, effective 9.08.2016) The respective chamber of the Supreme Judicial Council shall not approve a candidate whom it has found not to satisfy the requirements under Article 162 and Article 185 (1), and shall include the next ranked candidate in his or her stead.

(6) (Supplemented, SG No. 28/2016, amended, SG No. 62/2016, effective 9.08.2016) The approved candidates for junior judge, junior prosecutor and junior investigating magistrate shall expressly declare in writing to the respective chamber of the Supreme Judicial Council their wish to be appointed to the relevant position, in the order of the score under Paragraph (1), with each next highest ranked candidate choosing between the positions for which no such wish has been declared. Any candidate who fails to express a wish shall be replaced by the next highest ranked candidate approved.

(7) (Amended, SG No. 28/2016, SG No. 62/2016, effective 9.08.2016) The respective chamber of the Supreme Judicial Council shall, by a decision, adopt the final list of approved candidates for junior judge, junior prosecutor and junior investigating magistrate for the relevant positions conforming to the wish expressed thereby.

(8) Within one month after the decision under Paragraph (7) becomes enforceable, the candidates shall submit a declaration on the circumstances under Article 195 (1).

(9) (Amended, SG No. 62/2016, effective 9.08.2016) The decision under Paragraph (7) shall be transmitted to the National Institute of Justice for enrolment in the training under Item 1 of Article 249 (1). Upon the refusal of a candidate to commence training at the National Institute of Justice, the respective chamber of the Supreme Judicial Council shall complement the list by the next highest ranked candidate who has expressed consent to commence training. A refusal must be submitted in writing not later than 14 days before the announced commencement of training for the relevant year.

#### **Article 186a**

(New, SG No. 32/2011, effective 1.01.2012)

(1) The competition commission shall rank the candidates for initial appointment according to the score from the competition, arrived at as a sum total of the scores received for the written and the oral examination. In case of equal scores, the competition commission shall give preference to the candidate with a higher overall score from the State final certification examinations.

(2) (Amended, SG No. 28/2016, SG No. 62/2016, effective 9.08.2016) The commissions on professional ethics with the chambers of the Supreme Judicial Council shall analyse the documents under Article 19a, Items 1, 7, 8 and 9 of Article 181 (4), shall conduct an enquiry under Article 37 (9) for the three highest ranked candidates for the relevant position, shall draw up a reasoned opinion for each candidate under Item 3 of Article 162, and shall provide the said opinion to the respective chamber of the Supreme Judicial Council.

(3) (Amended, SG No. 28/2016, SG No. 62/2016, effective 9.08.2016) On the basis of the results of the ranking under Paragraph (1) and of the opinion under Paragraph (2), the commissions on appraisal and competitions shall submit to the respective chamber of the Supreme Judicial Council a proposal for initial appointment to the relevant judicial authorities. Within seven days after the proposal under sentence one, the candidates shall submit a declaration on the circumstances under Article 195 (1).

(4) (Amended, SG No. 28/2016) The respective chamber of the Supreme Judicial Council shall adopt a decision on the appointment of the candidates in the order of the ranking until the vacancies for which the competition was announced are filled after three consecutive rankings.

(5) (Amended, SG No. 28/2016) When adopting the decision under Paragraph (4), the respective chamber of the Supreme Judicial Council shall verify whether the highest ranked candidate satisfies the requirements under Articles 162 and 164. The verification shall be carried out on the basis of the documents submitted by the candidate. Upon the verification, the respective chamber of the Supreme Judicial Council shall also take into account the opinion of the Commission on Professional Ethics with the respective chamber.

(6) (Amended, SG No. 28/2016, SG No. 62/2016, effective 9.08.2016) The respective

chamber of Supreme Judicial Council shall refuse by a decision to appoint a candidate whom it has found not to satisfy the requirements under Articles 162, 164, Article 184 (4) and Article 185 (1).

#### **Article 187**

(1) (Amended, SG No. 1/2011, effective 4.01.2011, SG No. 32/2011, effective 1.01.2012, supplemented, SG No. 28/2016, SG No. 62/2016, effective 9.08.2016, SG No. 49/2018) Any interested party may appeal the decision of the respective chamber of the Supreme Judicial Council under Article 167 (3), Article 186 (7) and Article 186a (6) within seven days from its announcement. An appeal shall stay the enforcement of the decision, unless the court decrees otherwise.

(2) (Repealed, SG No. 42/2009).

(3) (Amended, SG No. 62/2016, effective 9.08.2016) The Supreme Administrative Court, sitting in public session, shall examine the appeal and shall pronounce by a judgment within one month from the receipt of the appeal at the Court together with the administrative case file, summoning the appellant, the administrative authority and the interested parties. The judgment of the Court shall be final.

### **Section IIa**

## **Competition for Promotion in Position and for Transfer of Judge, Prosecutor and Investigating Magistrate within Judicial Authorities. Election of Administrative Heads of Judicial Authorities (New heading, SG No. 1/2011, effective 4.01.2011)**

#### **Article 188**

(1) (New, SG No. 1/2011, effective 4.01.2011, supplemented, SG No. 28/2016, amended, SG No. 62/2016, effective 9.08.2016) The administrative heads shall notify the respective chamber of the Supreme Judicial Council of the positions which are expected to be vacated during the next succeeding year on or before 30 September of the previous year. The respective chamber of the Supreme Judicial Council shall designate not less than 80 per cent of the number of vacant positions by the date of announcement of the competition for each separate judicial authority in the court, the prosecuting magistracy and the investigating authorities to be occupied through promotion. Where candidates for transfer are not available, the vacant positions shall be occupied through a competition for promotion.

(2) (Repealed, renumbered from Paragraph 1, SG No. 1/2011, effective 4.01.2011, amended, SG No. 62/2016, effective 9.08.2016) The arrangements for holding the competitions shall be assisted by the administration of the respective chamber of the Supreme Judicial Council.

#### **Article 189**

(Amended, SG No. 33/2009, SG No. 1/2011, effective 4.01.2011)

(1) (Supplemented, SG No. 28/2016, amended and supplemented, SG No. 62/2016, effective 9.08.2016) The vacant positions in the courts, prosecution offices and investigating authorities, other than those under Article 178, shall be announced by the respective chamber of the Supreme Judicial Council according to the procedure established by Article 179 separately for each judicial authority and shall be occupied after a competition. Competitions for the superior judicial authorities shall be announced by a decision and shall be held before the announcement of competitions for the authorities of a lower degree. In case the competitions for the superior authorities are not completed within three months by a decision of the respective chamber of the Supreme Judicial Council, the competitions for the authorities of a lower degree shall be announced.

(2) (Supplemented, SG No. 62/2016, effective 9.08.2016) Promotion in position shall be moving to a position of a higher degree in a judicial authority of the same type

(3) (Amended, SG No. 62/2016, effective 9.08.2016) In any cases other than such under Article 194 (2), transfer shall be moving to a position of an equal or lower degree of a judge at another court, of a prosecutor at another prosecution office, and of an investigating magistrate at another investigation department.

(4) (Supplemented, SG No. 28/2016, amended, SG No. 62/2016, effective 9.08.2016) A judge shall move to the position of a prosecutor or investigating magistrate, a prosecutor shall move to the position of a judge or investigating magistrate, and an investigating magistrate shall move to the position of a judge or prosecutor by a competition for promotion or transfer, including, inter alia, testing of the knowledge to occupy the position concerned by means of a written examination according to a compendium.

(5) (Amended, SG No. 62/2016, effective 9.08.2016, SG No. 29/2019) The competition shall be held by five-member competition commissions designated according to the competition subject matter. The members of the competition commission shall comprise one academic-degree-holding scholar in legal sciences in the respective subject matter holding the academic position of an associate professor or a professor, as well as four members enjoying the status of a sitting judge, prosecutor or investigating magistrate, designated as follows:

1. for the holding of a competition for transfer of a judge at a district court: according to the competition subject matter, by the general assemblies of judges of the regional courts for each appellate district, the judges of the regional courts within an appellate district shall hold one general assembly;

2. for the holding of a competition for promotion and transfer of a judge at a regional court: according to the competition subject matter, by the general assemblies of all appellate courts;

3. upon the holding of a competition for promotion and transfer of a judge at an administrative court: by the plenum of the judges at the Supreme Administrative Court, by the drawing of lots among them;

4. upon the holding of a competition for promotion and transfer of a judge at an appellate court: according to the competition subject matter by the plenum of the judges at the Supreme Court of Cassation, by the drawing of lots among them;

5. upon the holding of a competition for promotion and transfer of a judge at the Supreme Court of Cassation and the Supreme Administrative Court: according to the competition subject matter by the plenums of the judges at the Supreme Court of Cassation and the Supreme Administrative Court, by the drawing of lots among them;

6. for the holding of a competition for transfer of a prosecutor at a district prosecution office: by the assemblies of the prosecutors at all regional prosecution offices for each appellate district;

7. for the holding of a competition for promotion and transfer of a prosecutor at a regional prosecution office: by the assemblies of the prosecutors at all appellate prosecution offices;

8. upon the holding of a competition for promotion and transfer of a prosecutor at an appellate prosecution office: by the assembly of the prosecutors at the Supreme Cassation Prosecution Office, by the drawing of lots among them;

9. upon the holding of a competition for promotion and transfer of a prosecutor at the Supreme Cassation Prosecution Office and the Supreme Administrative Prosecution Office: by the assemblies of prosecutors at the Supreme Cassation Prosecution Office and the Supreme Administrative Prosecution Office, by the drawing of lots among them;

10. for the holding of a competition for promotion and transfer of an investigating magistrate at a regional investigation department and at the National Investigation Service by the assembly of investigating magistrates at the National Investigation Service.

(6) (Amended, SG No. 62/2016, effective 9.08.2016) The members of the competition commission enjoying the status of a sitting judge, prosecutor or investigating magistrate shall be elected by the respective chamber of the Supreme Judicial Council by the drawing of lots among those nominated by the authorities under Items 1, 2, 6, 7 and 10 of Paragraph (5). The competition commission shall elect a chairperson from among the members thereof.

(7) (Amended, SG No. 28/2016, repealed, SG No. 62/2016, effective 9.08.2016).

(8) (Supplemented, SG No. 28/2016, amended, SG No. 62/2016, effective 9.08.2016) The authorities under Items 1, 2, 6, 7 and 10 of Paragraph (5) shall approach the respective chamber of the Supreme Judicial Council with nominations of members for participants in the competition commission once every three years. The participants may be nominated more than once.

(9) (New, SG No. 62/2016, effective 9.08.2016) The members of the competition commission must have acquired tenure and any of the disciplinary sanctions under Item 3, 4, 5 or 6 of Article 308 (1) must not have been imposed thereon by an enforceable decision during the

last five years. They must hold a rank equal to or higher than the rank of the vacant position announced as available to be applied for. Members of the Supreme Judicial Council and administrative heads may not participate in the competition commission.

(10) (New, SG No. 62/2016, effective 9.08.2016) Participation in the competition commission shall be taken into consideration upon the preparation of an appraisal and upon determining the caseload of the judge, prosecutor or investigating magistrate concerned.

#### **Article 190**

The announcement under Article 189 (1) shall be made simultaneously with the announcement of the vacant positions available for initial appointment and shall set out the number and type of positions and judicial authorities concerned.

#### **Article 191**

(1) (Supplemented, SG No. 1/2011, effective 4.01.2011, amended, SG No. 32/2011, effective 19.04.2011, supplemented, SG No. 62/2016, effective 9.08.2016) A candidate to occupy a position under Article 189 (1) may be a judge, prosecutor or investigating magistrate with the required service record under Article 164 for the available position announced and has served for at least three years in the position occupied. If there is no candidate for the relevant position, such vacancy shall be filled in accordance with the procedure provided for by Article 178.

(2) (Supplemented, SG No. 28/2016) The candidate shall submit documents to the respective chamber of the Supreme Judicial Council.

(3) (Amended, SG No. 28/2016) The Commission on Appraisal and Competitions shall check the documents of all candidate.

(4) The list of all candidates shall be announced on the website of the Supreme Judicial Council, specifying the grounds for the candidates who do not fulfil the conditions.

(5) (New, SG No. 1/2011, effective 4.01.2011, supplemented, SG No. 28/2016, SG No. 62/2016, effective 9.08.2016) The lists of persons admitted to and denied entry into the competition shall be announced according to the procedure established by Paragraph (4) not less than 14 days prior to the date of holding of the competition. The list of persons who are denied entry into the competition shall also specify the grounds for the denial of entry. Within three days after the announcement of the lists, the candidates who have been denied entry may lodge a written objection with the respective chamber of the Supreme Judicial Council. The instrument of the respective chamber of the Supreme Judicial Council shall be appealable according to the procedure established by Article 182 (6).

#### **Article 191a**

(New, SG No. 62/2016, effective 9.08.2016)

(1) The competition commission shall rank the candidates for transfer according to the results of the last appraisal and checks by the superior judicial authorities and by the Inspectorate with the Supreme Judicial Council, the data of the personnel file thereof and an assessment of the cases and case files examined and disposed of, selected by the competition commission and

presented by the candidates, on the basis of which an overall evaluation of the professional standing possessed by the candidates shall be made. In case of equal evaluations, the judge, prosecutor or investigating magistrate who has served longer in the respective system of the judicial authorities shall be appointed, and in case of an equal length of service in the respective system of the judicial authorities, the judge, prosecutor or investigating magistrate who has practised law for a longer period of time shall be appointed.

(2) In the cases under Article 189 (4), the competition commission shall mandatorily test the knowledge of the candidate to occupy a position in a judicial authority of another type by sitting for a written examination according to a compendium.

(3) The competition commission shall draw up a memorandum ranking the candidates with a reasoned opinion and shall transmit the results of the ranking with the full set of competition documents to the respective chamber of the Supreme Judicial Council, which shall adopt a decision on the order of the ranking until the vacancies are filled. The decision shall be appealable according to the procedure established by Article 187.

#### **Article 192**

(Amended, SG No. 1/2011, effective 4.01.2011)

(1) (Amended, SG No. 62/2016, effective 9.08.2016) The competition commission shall rank the candidates for promotion in position according to the results of the last appraisal and checks by the superior judicial authorities and by the Inspectorate with the Supreme Judicial Council, the data of the personnel files thereof and an assessment of the cases and case files examined and disposed of, selected by the competition commission and presented by the candidates, on the basis of which an overall evaluation of the professional standing possessed by the candidate shall be made. In case of equal evaluations, the judge, prosecutor or investigating magistrate who has served longer in the respective system of the judicial authorities shall be appointed, and in case of an equal length of service in the respective system of the judicial authorities, the judge, prosecutor or investigating magistrate who has practised law for a longer period of time shall be appointed.

(2) (New, SG No. 62/2016, effective 9.08.2016) In the cases under Article 189 (4), the competition commission shall mandatorily test the knowledge of the candidate to occupy a position in a judicial authority of another type by sitting for a written examination according to a compendium.

(3) (Renumbered from Paragraph 2, SG No. 62/2016, effective 9.08.2016) The competition commission shall draw up a memorandum ranking the candidates together with a reasoned opinion.

(4) (Amended, SG No. 28/2016, renumbered from Paragraph 3, amended, SG No. 62/2016, effective 9.08.2016) The competition commission shall transmit the results of the ranking together with the complete set of competition documents to the respective chamber of the Supreme Judicial Council.

(5) (Amended, SG No. 28/2016, renumbered from Paragraph 4, SG No. 62/2016, effective

9.08.2016) The Commission on Professional Ethics with the respective chamber of the Supreme Judicial Council shall evaluate the moral integrity possessed by the three highest ranked candidates for each position and shall draw up an opinion on each candidate on the basis of the documents submitted by the candidate and the documents contained in the personnel file regarding the results of the inspections by the Inspectorate with the Supreme Judicial Council, the incentives and sanctions, the alerts of a breach of the professional ethics rules for judges, prosecutors and investigating magistrates.

(6) (Renumbered from Paragraph 5, SG No. 62/2016, effective 9.08.2016) The results of the ranking shall be announced on the website of the Supreme Judicial Council.

### **Article 193**

(Amended, SG No. 1/2011, effective 4.01.2011)

(1) (Amended, SG No. 28/2016) The results of the ranking of the candidates together with the full set of competition documents and the opinion of the Commission on Professional Ethics with the respective chamber shall be provided to the Commission on Appraisal and Competitions with the respective chamber.

(2) (Amended, SG No. 28/2016) The Commission on Appraisal and Competitions with the respective chamber shall lay before the respective chamber of the Supreme Judicial Council a reasoned proposal for the promotion or transfer of the highest ranked candidates for the positions at the judicial authorities concerned.

(3) (Supplemented, SG No. 28/2016) The respective chamber of the Supreme Judicial Council shall adopt a decision on the promotion or transfer of a judge, prosecutor or investigating magistrate in the order of the ranking until the vacancies are filled.

(4) (Supplemented, SG No. 28/2016) When adopting the decision under Paragraph (3), the respective chamber of the Supreme Judicial Council shall verify whether the highest ranked candidate satisfies the requirements under Article 164, as well as whether the said candidate possesses the required professional standing and moral integrity.

(5) (Supplemented, SG No. 28/2016) The respective chamber of the Supreme Judicial Council shall refuse by a decision to appoint a candidate whom it has found not to satisfy the requirements under Articles 162 and 164. In such case, the next highest ranked candidate who satisfies the requirements shall be appointed

(6) (New, SG No. 62/2016, effective 9.08.2016) Within nine months from the completion of the previous competition procedure, by a decision of the respective chamber of the Supreme Judicial Council and provided that a vacated position is available in a judicial authority, the respective chamber of the Supreme Judicial Council shall adopt a decision on the appointment of the next highest ranked candidate in the competition for promotion or for transfer who has received a final evaluation in the competition procedure which is not lower than "very good 5.00."

(7) (Supplemented, SG No. 28/2016, renumbered from Paragraph 6, supplemented, SG No.

62/2016, effective 9.08.2016) The decision of the respective chamber of the Supreme Judicial Council under Paragraphs (5) and (6) shall be appealable under the terms and according to the procedure established by Article 187.

#### **Article 194**

(Supplemented, SG No. 33/2009, amended, SG No. 1/2011, effective 4.01.2011)

(1) (Previous text of Article 194, SG No. 28/2016, amended and supplemented, SG No. 62/2016, effective 9.08.2016) In the cases of closure of courts, prosecution offices and investigating authorities or upon numerical reduction of the positions occupied therein, the respective chamber of the Supreme Judicial Council shall open the respective positions in another judicial authority of an equal degree, if possible in the same appellate district, and shall reappoint judges, prosecutors and investigating magistrates to the said positions without a competition.

(2) (New, SG No. 28/2016) If there is mutual agreement to exchange a position of an equal degree of judges at another court, of prosecutors at another prosecution office, of investigating magistrates at another investigation department, and provided the administrative heads thereof consent, they shall be transferred without holding a competition by a decision of the respective chamber of the Supreme Judicial Council.

#### **Article 194a**

(New, SG No. 33/2009, amended, SG No. 1/2011, effective 4.01.2011)

(1) (Supplemented, SG No. 28/2016) The vacant positions for administrative heads in the judicial authorities shall be announced by the respective chamber of the Supreme Judicial Council by a decision which shall be promulgated in the State Gazette and on the website of the Supreme Judicial Council and shall be occupied following an election.

(2) (Supplemented, SG No. 50/2012, amended, SG No. 62/2016, effective 9.08.2016) In order to enter the election, candidates shall submit a detailed curriculum vitae, a concept on the work thereof and other documents which, in the judgment of the candidates, are relevant to the professional standing or moral integrity thereof. The Commission on Appraisal and Competitions with the respective chamber of the Supreme Judicial Council shall check the documents and shall admit the candidates who satisfy the conditions under Article 164 and Article 169 (1) to entry in the election.

(3) (Supplemented, SG No. 50/2012, amended, SG No. 28/2016, SG No. 62/2016, effective 9.08.2016) The names of the candidates shall be announced on the website of the Supreme Judicial Council together with a brief curriculum vitae and a concept on the work thereof.

(4) The lists of candidates admitted to and denied entry into the election shall be announced on the website of the Supreme Judicial Council at least 14 days prior to the date of conduct of the election.

(5) (Supplemented, SG No. 28/2016, SG No. 62/2016, effective 9.08.2016) The list of persons who are denied entry into the election shall also specify the grounds for the denial of entry. Within three days after the announcement of the lists, the candidates who have been

denied entry may lodge a written objection with the respective chamber of the Supreme Judicial Council. The decision denying a candidate entry into the election shall be appealable according to the procedure established by Article 182 (6).

(6) (New, SG No. 50/2012, supplemented, SG No. 28/2016, SG No. 62/2016, effective 9.08.2016) Not later than seven days prior to the interview under Article 194b, non-profit legal entities registered for the pursuit of public benefit activities, higher educational establishments and scientific organisations, as well as the professional organisations of judges, prosecutors and investigating magistrates, may submit opinions about a candidate to the respective chamber of the Supreme Judicial Council, including questions to be put to the said candidate. Anonymous opinions and alerts shall be ignored. The opinions and questions as submitted shall be published on the website of the Supreme Judicial Council not later than three days from the date of submission. Specific data constituting classified information, as well as facts related to candidates' private life, shall not be published.

(7) (New, SG No. 62/2016, effective 9.08.2016, supplemented, SG No. 49/2018) Candidates for administrative heads of a court shall be heard by the general assembly of the court concerned. The prosecutors and the investigating magistrates at the prosecution office concerned may express an opinion about the candidate for administrative head.

#### **Article 194b**

(New, SG No. 1/2011, effective 4.01.2011)

(1) (Supplemented, SG No. 28/2016) The procedure for the election of administrative heads shall be conducted by the respective chamber of the Supreme Judicial Council through an interview. Within the interview, an assessment of the candidate shall be made concerning:

1. (amended, SG No. 62/2016, effective 9.08.2016) the professional expertise thereof as a judge, prosecutor or an investigating magistrate on the basis of the appraisals conducted theretofore;

2. the governance competence thereof as an administrative head, for the purpose of which the candidate shall defend a concept on the strategic management of the judicial authority concerned;

3. (amended, SG No. 28/2016) the moral integrity of the candidate on the basis of a reasoned opinion of the Commission on Professional Ethics with the respective chamber.

(2) The opinion under Item 3 of Paragraph (1) shall be provided to the candidates not later than three days prior to the date of the interview.

(3) (New, SG No. 50/2012, supplemented, SG No. 28/2016) During the interview, the members of the respective chamber of the Supreme Judicial Council may also ask the candidate questions on the basis of the opinions under Article 194a (6).

(4) (Supplemented, SG No. 32/2011, effective 19.04.2011, renumbered from Paragraph 3, SG No. 50/2012, amended, SG No. 28/2016) The respective chamber of the Supreme Judicial

Council shall adopt a decision on the appointment of the candidate who satisfies the requirements of Article 164 and Article 169 (1), such decision being adopted on the basis of the assessment under Item 2 of Paragraph (1).

(5) (Renumbered from Paragraph 4, amended, SG No. 50/2012, supplemented, SG No. 28/2016) The decision of the respective chamber of the Supreme Judicial Council under Paragraph (4) shall be appealable under the terms and according to the procedure established by Article 187.

#### **Article 194c**

(New, SG No. 1/2011, effective 4.01.2011; declared unconstitutional with Judgment No. 10 of the Constitutional Court of the Republic of Bulgaria, SG No. 93/2011)

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The procedure for the conduct of competitions and an election under Sections II and IIa and for the formation of competition commissions shall be established by an ordinance of the Supreme Judicial Council, which shall be promulgated in the State Gazette.

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#### **Article 194d**

(New, SG No. 62/2016, effective 9.08.2016)

The procedure for the conduct of competitions and election under Sections II and IIa and for the formation of competition commissions shall be established by an ordinance of the Plenum of the Supreme Judicial Council.

## **Section III Incompatibility**

#### **Article 195**

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

1. be a National Representative, a mayor or municipal councillor;
2. (amended, SG No. 17/2013, SG No. 19/2014, effective 5.03.2014) occupy a position in State bodies, in municipal bodies or in institutions of the European Union;
3. (supplemented, SG No. 1/2011, effective 4.01.2011, amended and supplemented, SG No. 65/2017) carry on business in any form whatsoever, including in person, through a dummy and/or with a disclosed and/or undisclosed agent, or be a partner, manager or member of supervisory boards, management boards or boards of directors or of control bodies of commercial corporations, cooperatives or non-profit legal entities that carry on business, with the exception of those of any professional associations whereof they are members;
4. (supplemented, SG No. 25/2009, effective 3.04.2009, SG No. 33/2009, amended, SG No. 1/2011, effective 4.01.2011, SG No. 39/2016, effective 26.05.2016, SG No. 65/2017) be

remunerated for activity under a contract or under another legal relationship with a State, municipal or public organisation, commercial corporation, cooperative, non-profit legal entity, a natural person or sole trader and practise a liberal profession or another remunerative professional activity;

5. (repealed, SG No. 65/2017);

6. be a member of political parties or coalitions, of organisations pursuing political purposes, carry out political activity, as well as be a member of any organisations or carry out any activities interfering with his or her independence;

7. be a member of a trade union organisation outside the Judiciary system.

(2) (New, SG No. 65/2017) A judge, prosecutor or an investigating magistrate, while in office, may furthermore be remunerated for:

1. pursuit of research and teaching or exercise of copyright;
2. participation in European and international programmes and projects;
3. participation in the drafting of statutory instruments assigned by the National Assembly, the Supreme Judicial Council or by executive authorities.

(3) (New, SG No. 1/2011, effective 4.01.2011, amended, SG No. 19/2014, effective 5.03.2014, renumbered from Paragraph (2), amended, SG No. 65/2017) Judges, prosecutors and investigating magistrates may not be members of election commissions for the conduct of elections of National Representatives, of Members of the European Parliament for the Republic of Bulgaria, of President and Vice President of the Republic, and of municipal councillors and mayors.

(4) (Renumbered from Paragraph (2), amended and supplemented, SG No. 1/2011, effective 4.01.2011, supplemented, SG No. 52/2013, effective 14.06.2013, SG No. 70/2013, effective 9.08.2013, SG No. 28/2016, amended, SG No. 62/2016, effective 9.08.2016, renumbered from Paragraph (3), SG No. 65/2017) Upon termination of the position, the persons under Item 1 of Paragraph (1), the judges of the Constitutional Court, the ministers or deputy ministers, the chairperson or deputy chairperson of the State Agency for National Security, the members of the National Special Intelligence Means Control Bureau, who have submitted a request to the respective chamber of the Supreme Judicial Council within 14 days from the date of their release, shall be reinstated to the position occupied before the election or to a position of an equal degree in the judicial authorities, and the time spent in the respective position shall count as service record under Article 164 (1) to (7).

#### **Article 195a**

(New, SG No. 62/2016, effective 9.08.2016)

(1) Within one month from the entry into office, each judge, prosecutor and investigating magistrate, the members of the Supreme Judicial Council, the Inspector General and the inspectors of the Inspectorate with the Supreme Judicial Council shall submit to the respective chamber of the Supreme Judicial Council a declaration on all activities thereof and memberships of organisations, including secret and/or informal organisations and societies, non-profit legal entities and in civil-law companies or associations in a standard form endorsed by the Supreme Judicial Council. Upon a change, a declaration shall be submitted for adjustment of the circumstances declared within one month from the occurrence of the change.

(2) The chambers of the Supreme Judicial Council shall keep a central public register of the declarations under Paragraph (1).

**Article 195b**

(New, SG No. 62/2016, effective 9.08.2016)

Where it ascertains incompatibility, the Commission on Professional Ethics shall draw up a reasoned conclusion, which shall be transmitted to the respective chamber of the Supreme Judicial Council.

## **Section IV**

### **Appraisal. Tenure**

**Article 196**

(Amended, SG No. 1/2011, effective 4.01.2011, SG No. 62/2016, effective 9.08.2016)

Appraisal shall be carried out:

1. in advance: on the third year from the appointment to a position and, applicable to junior judges, junior prosecutors and junior investigating magistrates, prior to the appointment thereof to a position of a judge, prosecutor and investigating magistrate;

2. for the purpose of acquiring tenure: upon completion of five years service as a judge, prosecutor or investigating magistrate;

3. periodically: once every five years after a judge, prosecutor and investigating magistrate, an administrative head and a deputy administrative head has been appraised for the purpose of acquiring tenure, until two consecutive "good" and "very good" positive aggregate scores are received from a periodic appraisal, after acquiring tenure;

4. extraordinarily: in the cases under Article 197 (5).

**Article 197**

(Amended, SG No. 1/2011, effective 4.01.2011)

(1) (Amended, SG No. 62/2016, effective 9.08.2016) Advance appraisal shall have as an object to assess the qualities and professional competence of judges, prosecutors and investigating magistrate after the appointment to the respective position, as well as compliance with the rules of the relevant code of ethics. Any such appraisal shall be carried out under the criteria established in this Act and in the ordinance under Article 209b.

(2) (Amended, SG No. 62/2016, effective 9.08.2016) The appraisal of junior judges, junior prosecutors and junior investigating magistrates shall have as an object to assess the legal expertise and professional capabilities thereof prior to the appointment of a position of judge or prosecutor. Upon the appraisal, the evaluation of the administrative head and the opinion of the mentor assigned shall be taken into consideration.

(3) (New, SG No. 62/2016, effective 9.08.2016) Appraisal for the purpose of acquiring tenure shall have as an object to make an objective evaluation of the professional qualification and of compliance with the rules of the relevant code of ethics after the completion of five years' service in the position of a judge, prosecutor or investigating magistrate. Upon an appraisal for the purposes of acquiring tenure, the results of the advance appraisal of a judge, prosecutor or investigating magistrate shall be taken into consideration.

(4) (New, SG No. 62/2016, effective 9.08.2016) Periodic appraisal shall constitute an evaluation of the professional competence, performance characteristics and compliance with the rules of the relevant code of ethics by a judge, prosecutor or investigating magistrate, by an administrative head and by a deputy administrative head for a period of five years. The appraisal shall be carried out on the basis of the criteria and indicators determined in this Act and in the ordinance under Article 209b.

(5) (New, SG No. 62/2016, effective 9.08.2016, amended, SG No. 49/2018) Extraordinary appraisal shall be carried out after the completion of the periodic appraisal, if five years have elapsed since the last periodic appraisal, in the following cases:

1. where a judge, prosecutor or investigating magistrate enters a competition for promotion or transfer to position;

2. where a judge, prosecutor or investigating magistrate enters an election for an administrative head;

3. on a reasoned proposal of the Inspectorate with the Supreme Judicial Council or of the respective administrative head, where there are data of sustained deterioration of the quality of work or non-compliance with the ethics rules by a judge, prosecutor or investigating magistrate;

4. in other cases: at the request of the judge, prosecutor or investigating magistrate, where interested.

(6) (Supplemented, SG No. 28/2016, renumbered from Paragraph 3, SG No. 62/2016, effective 9.08.2016) An aggregate score shall be drawn up on the basis of the appraisal, which shall be adopted by the respective chamber of the Supreme Judicial Council.

(7) (New, SG No. 49/2018) No periodic appraisal shall be carried out of magistrates after they attain the age of 60 years.

#### **Article 198**

(Amended, SG No. 1/2011, effective 4.01.2011)

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

1. legal knowledge and skills of applying it;

2. skill of analysing legally relevant facts;

3. skill of making optimum working arrangements;

4. efficiency and discipline;

5. (new, SG No. 62/2016, effective 9.08.2016) compliance with the rules of ethical

behaviour.

(2) In the course of the appraisal under Paragraph (1) the following indicators shall be taken into account:

1. keeping deadlines;
2. number of instruments upheld and reversed and the grounds for this;
3. the results of inspections carried out by the Inspectorate with the Supreme Judicial Council,
4. the overall caseload of the respective judicial district and judicial authority, as well as the workload of the appraised judge, prosecutor or investigating magistrate compared to other judges, prosecutors or investigating magistrates in the same judicial authority.

(3) (Repealed, SG No. 62/2016, effective 9.08.2016).

(4) The time served by the judge, prosecutor or investigating magistrate as a permanent trainer at the National Institute of Justice shall also be included in the appraisal period. The evaluation of the work performance as a trainer shall be given by the Managing Board.

#### **Article 199**

(1) A judge shall be appraised under the following specific criteria:

1. complying with the schedule for conduct of court hearings;
2. skill of conducting a court hearing and drawing up a record of proceedings;
3. (new, SG No. 62/2016, effective 9.08.2016) administrating cases and appeals, preparing for a court hearing;
4. (new, SG No. 62/2016, effective 9.08.2016) number of appealed judicial instruments from among the appealable judicial instruments, appealed judicial instruments upheld, judicial instruments reversed or invalidated, in whole or in part, and the grounds for it; the ability to reason and justify judicial instruments and to analyse evidence shall be subject to evaluation.

(2) A prosecutor shall be appraised under the following specific criteria:

1. skills of planning and structuring steps in pre-trial and trial proceedings;
2. complying with the written instructions and orders of the superior prosecutor;
3. ability to make working arrangements and direct the investigating authorities and the teams participating in pre-trial proceedings;

4. (new, SG No. 62/2016, effective 9.08.2016) number of unappealed prosecutorial instruments, including warrants to terminate and suspend criminal proceedings, number of final judicial instruments rendered on instruments submitted by the prosecutor appraised, as well as the final judicial instruments returning cases for the rectification of procedural breaches, and the reasons for this, number of appeals granted, the prosecutorial instruments upheld, modified and reversed upon an instance and ex officio review.

(3) An investigating magistrate shall be appraised under the following specific criteria:

1. skills of planning and structuring steps in pre-trial proceedings;
2. complying with the written instructions and orders of the prosecutor;

3. (new, SG No. 62/2016, effective 9.08.2016) correspondence of the prosecutorial instruments with the opinion of the investigating magistrate after the conclusive completion of the investigation and final disposal of the cases returned for further investigation.

#### **Article 200**

(Amended, SG No. 1/2011, effective 4.01.2011)

(1) The periodic appraisal of an administrative head and of a deputy administrative head shall cover an evaluation of the capacity thereof to occupy a leadership position and an evaluation of the qualification thereof as a judge, prosecutor or investigating magistrate.

(2) In the course of the periodic appraisal of an administrative head and of a deputy administrative head, the results of the work of the judicial authority concerned shall be analysed and taken into account.

(3) (Supplemented, SG No. 28/2016) An aggregate score shall be drawn up on the basis of the appraisal, which shall be adopted by the respective chamber of the Supreme Judicial Council.

#### **Article 201**

(Amended, SG No. 1/2011, effective 4.01.2011)

(1) The criteria for occupying a leadership position shall be:

1. ability to work in a team and to allocate tasks therein;
2. ability to make correct governance decisions;
3. behaviour which enhances the authority of the Judiciary;
4. skill of communicating with other State bodies, citizens and legal persons;

5. (new, SG No. 62/2016, effective 9.08.2016) professional competence.

(2) The ability to occupy a leadership position shall be evaluated on the basis of the criteria to occupy a leadership position and the indicators for occupying a leadership position determined by the ordinance under Article 209a.

(3) Professional qualification shall be evaluated under the criteria for evaluation of a judge, prosecutor or investigating magistrate.

**Article 202**

(Repealed, SG No. 1/2011, effective 4.01.2011).

**Article 203**

(Amended, SG No. 1/2011, effective 4.01.2011)

(1) (New, SG No. 62/2016, effective 9.08.2016) The Commission on Appraisal and Competitions with the respective chamber of the Supreme Judicial Council shall carry out:

1. advance appraisal of junior judges, junior prosecutors and junior investigating magistrates;

2. appraisal for the purpose of acquiring tenure of a judge, prosecutor or investigating magistrate;

3. periodic appraisal of a judge, a prosecutor at an appellate prosecution office, an investigating magistrate at a regional investigating department, the administrative heads and the deputy administrative heads other than those at the Supreme Court of Cassation, the Supreme Administrative Court, the Supreme Cassation Prosecution Office, the Supreme Administrative Prosecution Office and the National Investigation Service;

4. extraordinary appraisal:

(a) where a judge, a prosecutor or an investigating magistrate enters a competition for promotion or transfer to the position of a judge at the Supreme Court of Cassation, a judge at the Supreme Administrative Court, a prosecutor at the Supreme Cassation Prosecution Office, a prosecutor at the Supreme Administrative Prosecution Office, and an investigating magistrate at the National Investigation Service;

(b) where a judge, a prosecutor or an investigating magistrate enters an election for an administrative head of an appellate court, an appellate prosecution office, a chairperson of the Supreme Court of Cassation, a chairperson of the Supreme Administrative Court, a prosecutor general and a director of the National Investigation Service;

(c) on a proposal by the Inspectorate with the Supreme Judicial Council after the conduct of an inspection and arriving at negative findings about the performance of the judge, prosecutor or investigating magistrate inspected;

(d) after completion of eight years' service by the investigating magistrates under Item 3 of Article 163; only the investigating magistrates who have received a "very good" aggregate score shall receive the full amount of the remuneration for an investigating magistrate at a regional investigation department.

(2) (New, SG No. 62/2016, effective 9.08.2016) Judges at the Supreme Court of Cassation and at the Supreme Administrative Court, prosecutors at the Supreme Cassation Prosecution Office and at the Supreme Administrative Prosecution Office, as well as investigating magistrates at the National Investigation Service, shall not be subject to periodic appraisal.

(3) (Renumbered from Paragraph 1, SG No. 62/2016, effective 9.08.2016) The appraisal shall commence on a proposal by the judge, prosecutor or investigating magistrate concerned or by the administrative head of the judicial authority concerned.

(4) (Amended, SG No. 28/2016, renumbered from Paragraph 2, supplemented, SG No. 62/2016, effective 9.08.2016) The Commission on Appraisal and Competitions with the respective chamber of the Supreme Judicial Council shall be approached with the proposal for appraisal for the purpose of acquiring tenure not later than three months prior to the expiry of the five-year period.

(5) (Amended, SG No. 28/2016, renumbered from Paragraph 3, amended, SG No. 62/2016, effective 9.08.2016) The Commission on Appraisal and Competition with the respective chamber shall commence the periodic appraisal not later than six months prior to the expiry of the four-year period.

(6) (New, SG No. 62/2016, effective 9.08.2016) Upon the appraisal for the purpose of acquiring tenure, the professional development of the judge, prosecutor or investigating magistrate shall be evaluated, including on the basis of the individual plans for professional development thereof. On the basis of the said evaluation, the appraisal may envisage an additional plan for professional development.

#### **Article 204**

(Amended, SG No. 1/2011, effective 4.01.2011, SG No. 28/2016, SG No. 62/2016, effective 9.08.2016)

(1) The appraisal activity of the Commission on Appraisal and Competitions with the Prosecutors Chamber of the Supreme Judicial Council shall be assisted by standing appraisal commissions with the appellate prosecution offices.

(2) The standing appraisal commissions shall assist the appraisal of junior prosecutors, prosecutors at a district prosecution office and prosecutors at a regional prosecution office in the respective appellate district.

(3) The members of the standing appraisal commission shall be elected by the assembly of prosecutors at the respective appellate prosecution office and the assemblies of prosecutors at the regional prosecution offices in the same appellate district from among the prosecutors at the respective appellate prosecution office.

(4) The number of members, the powers and the rules of procedure of the standing appraisal commissions shall be determined by the ordinance under Article 209b by the Plenum of the Supreme Judicial Council. Each Commission shall elect a chairperson from among the members thereof.

(5) Eligibility for membership of the standing appraisal commissions shall be limited to prosecutors possessing a high professional standing and moral integrity, who have acquired

tenure, who have received a "very good" positive aggregate score from the last periodic appraisal, and whereon any of the disciplinary sanctions under Item 3, 4, 5 or 6 of Article 308 (1) has not been imposed by an enforceable decision during the last five years.

(6) The members of the standing appraisal commissions shall have a two-year term of office. They may not be elected for more than two successive terms of office at the same court.

(7) For the period under Paragraph (6), a prosecutor participating in a standing appraisal commission shall work under a reduced caseload, and the participation thereof in the standing appraisal commission shall be taken into consideration upon the appraisal thereof.

(8) The standing appraisal commissions shall approach the Commission on Appraisal and Competitions with the Prosecutors Chamber of the Supreme Judicial Council with a proposal for an aggregate score upon the appraisal of a prosecutor.

#### **Article 204a**

(New, SG No. 1/2011, effective 4.01.2011)

(1) (Amended, SG No. 28/2016, SG No. 62/2016, effective 9.08.2016) When carrying out the appraisal, the standing appraisal commissions and the Commission on Appraisal and Competitions with the respective chamber shall inspect the case-management books, the records on the procedural steps performed by the judges, prosecutors and investigating magistrates and on the instruments thereof for the period of the appraisal.

(2) (Amended, SG No. 28/2016, SG No. 62/2016, effective 9.08.2016) In order to carry out the appraisal, the standing appraisal commissions and the Commission on Appraisal and Competitions with the respective chamber may hear the person appraised, as well as collect other additional information under the appraisal criteria.

(3) (Amended, SG No. 28/2016, supplemented, SG No. 62/2016, effective 9.08.2016) After the appraisal is carried out, the Commission on Appraisal and Competitions with the respective chamber shall draw up an aggregate score, which may be positive or negative. The grades of the positive aggregate score shall be, in an ascending order:

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

(4) The aggregate score shall be reasoned, and recommendations to the person appraised shall be given as well.

(5) (New, SG No. 62/2016, effective 9.08.2016) On the initiative of a judge, prosecutor or investigating magistrate, or if specific needs or necessity of additional development of professional skills of a judge, prosecutor or investigating magistrate are identified ex officio within the framework of the appraisal procedure, the commissions on appraisal and competitions

with the chambers of the Supreme Judicial Council shall develop and apply, with the participation of the magistrate concerned, individual plans for the professional development thereof, whereof the implementation shall be assisted by the National Institute of Justice.

#### **Article 205**

(Amended, SG No. 1/2011, effective 4.01.2011)

(1) (Amended and supplemented, SG No. 28/2016) The Commission on Appraisal and Competitions with the respective chamber shall present the aggregate score under Article 204a (3) to the person appraised, who may lodge an objection in writing with the respective chamber of the Supreme Judicial Council within seven days.

(2) (Amended, SG No. 28/2016, SG No. 29/2019) If an objection has been lodged, the respective chamber of the Supreme Judicial Council shall hear the magistrate appraised who has lodged the objection and shall notify said magistrate not less than 7 days before the date of the hearing.

(3) (Amended, SG No. 28/2016, SG No. 29/2019) The respective chamber of the Supreme Judicial Council shall express an opinion in writing on the objection and, if necessary, shall collect additional information.

(4) (New, SG No. 62/2016, effective 9.08.2016, amended, SG No. 29/2019) Having considered all circumstances, the respective chamber of the Supreme Judicial Council shall confirm the aggregate score proposed in the appraisal or return the file to the Commission on Appraisal and Competitions for a new aggregate score, or determine a new aggregate score of the magistrate.

(5) (New, SG No. 29/2019) The decision of the relevant chamber whereby the proposed aggregate score in the appraisal is adopted or a new aggregate score is determined shall be subject to appeal before a three-member panel of the Supreme Administrative Court. The judgment of the Court shall be final.

#### **Article 206**

(Amended, SG No. 1/2011, effective 4.01.2011, supplemented, SG No. 28/2016)

The aggregate score from the periodic appraisal together with the recommendations to the person appraised shall be adopted by a decision of the respective chamber of the Supreme Judicial Council.

#### **Article 207**

(1) (Supplemented, SG No. 33/2009, amended, SG No. 1/2011, effective 4.01.2011) A judge, prosecutor or investigating magistrate shall acquire tenure after completing five years service in the respective position and after receiving a positive aggregate score from the appraisal.

(2) (Amended, SG No. 62/2016, effective 9.08.2016) The time served as junior judge, junior prosecutor or junior investigating magistrate shall be assimilated to the length of service for the purpose of acquiring tenure.

#### **Article 208**

(Repealed, SG No. 33/2009, effective from the date of entering into force the Ordinance by Article 209a herein).

#### **Article 209**

(Amended, SG No. 33/2009, SG No. 1/2011, effective 4.01.2011) (1) (Amended and supplemented, SG No. 28/2016, amended, SG No. 49/2018) A judge, prosecutor or investigating magistrate shall be appraised for the purpose of acquiring tenure by the Commission on Appraisal and Competitions with the respective chamber, which shall draw up an aggregate score within one month from the launching of the procedure by a decision of the Commission on Appraisal and Competitions. The aggregate score shall be presented to the person appraised, who may lodge an objection in writing with the respective chamber of the Supreme Judicial Council within seven days.

(2) (Supplemented, SG No. 28/2016) If an objection has been lodged, the respective chamber of the Supreme Judicial Council shall hear the person appraised and, if necessary, shall collect additional information. The person appraised shall be notified at least seven days prior to the date of the session.

(3) (Amended, SG No. 28/2016) Where the respective chamber of the Supreme Judicial Council grants the objection as lodged, the Commission on Appraisal and Competitions with the respective chamber shall draw up a new aggregate score.

(4) (Supplemented, SG No. 28/2016) The aggregate score for tenure shall be adopted by a decision of the respective chamber of the Supreme Judicial Council.

(5) (Amended, SG No. 28/2016) In the cases where the aggregate score from the appraisal is negative, the respective chamber of the Supreme Judicial Council shall deny the acquisition of tenure by a decision and the person appraised shall be released from office.

#### **Article 209a**

(New, SG No. 33/2009, amended, SG No. 1/2011, effective 4.01.2011; declared unconstitutional with Judgment No. 10 of the Constitutional Court of the Republic of Bulgaria, SG No. 93/2011)

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The Supreme Judicial Council shall adopt an Ordinance concerning the indicators and procedure for appraising judges, prosecutors and investigating magistrates and of administrative heads and of deputy administrative heads as well as on the procedures for conducting the appraisal. The Ordinance shall specify also the criteria for determining the workload of the judiciary bodies. The Ordinance shall be published in the State Gazette.

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#### **Article 209b**

(New, SG No. 62/2016, effective 9.08.2016)

The Plenum of the Supreme Judicial Council, acting on a proposal by the respective chamber, shall adopt an ordinance on the indicators and methodology for appraising and the criteria for reporting the caseload level of judges, prosecutors and investigating magistrates and of the administrative heads and deputy administrative heads, as well as on the procedure for carrying out the appraisal.

## **Section V**

### **Rights and Duties**

## **Article 210**

Judges, prosecutors and investigating magistrates shall be bound:

1. to decide the case files and cases assigned thereto within the time limit appointed for this;
2. to attend the sessions of the general assembly of the respective judicial authority;
3. where necessary, to discharge the official duties thereof out of hours;
4. to fulfil other tasks as well, related to the service thereof, which have been assigned thereto by the administrative head.

## **Article 211**

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

(2) Judges, prosecutors and investigating magistrates shall be bound to keep as official secret the information of which they have become aware in the course of their work and which affects the interests of citizens, legal persons and the State.

## **Article 212**

Judges, court assessors, prosecutors and investigating magistrates shall not have the right to express a preliminary opinion on the cases assigned thereto, nor an opinion on any cases not assigned thereto.

## **Article 213**

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

## **Article 214**

(Repealed, SG No. 20/2012, effective 10.06.2012).

## **Article 215**

In the implementation of the functions thereof, judges, prosecutors and investigating magistrates may ask all State bodies, officials, legal persons and citizens for cooperation, which they shall be bound to provide.

## **Article 216**

(1) The State shall protect judges, prosecutors and investigating magistrates in the discharge of the official duties thereof and shall indemnify them for damages inflicted thereon in the course of, or in connection with, the discharge of the official functions thereof. The amount of compensation shall be determined on the basis of the difference between the actual amount of the damage and the amount of the compulsory insurance.

(2) (New, SG No. 62/2016, effective 9.08.2016) The State shall protect court assessors in the discharge of the functions thereof.

(3) (Renumbered from Paragraph 2, SG No. 62/2016, effective 9.08.2016) Under the terms established by Paragraph (1), the State shall also indemnify the damages inflicted on the spouses, ascendants or descendants of magistrates owing to the discharge of the official duties thereof.

#### **Article 217**

(Amended, SG No. 65/2017)

(1) Judges, prosecutors and investigating magistrates shall be free to form and be members of organisations which protect the professional interests thereof. Any such organisations may not be affiliated to federations and confederations of trade union organisations of factory and office workers.

(2) The organisations under Paragraph (1) shall acquire the capacity of a legal person after the entry thereof according to the procedure established for the entry of non-profit associations. Solely judges, prosecutors and investigating magistrates may be founders and members of any such organisations.

(3) A Partnership Council shall be established with the Supreme Judicial Council. The said Council shall consist of three elective members of the Supreme Judicial Council, designated by the Plenum, of representatives of each of the organisations referred to in Paragraph (1) whereof the membership is not less than 5 per cent of the respective number of judges, prosecutors and investigating magistrates, as well as of representatives of the judges, prosecutors and investigating magistrates who are not members of any such organisations.

(4) The Council shall implement dialogue on all matters related to the professional interests of judges, prosecutors and investigating magistrates.

(5) The organisation and operation of the Partnership Council shall be regulated by an ordinance of the Plenum of the Supreme Judicial Council.

#### **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 draw a basic monthly remuneration equal to 90 per cent 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 employees in the public-financed sphere according to data of the National Institute of Statistics.

(3) (Supplemented, SG No. 28/2016) The remunerations for the rest of the positions in the judicial authorities shall be set by the Plenum of the Supreme Judicial Council.

#### **Article 219**

Judges, prosecutors and investigating magistrates shall be paid supplementary remuneration for continuous work as a judge, prosecutor and an investigating magistrate in the amount of 2 per cent of the basic monthly remuneration for each year of length of service, but not more than 40 per cent.

## **Article 220**

Supplementary remuneration for overtime shall be paid to a judge, prosecutor and investigating magistrate only for the discharge of official duties on holidays and non-working days.

## **Article 221**

Judges, prosecutors and investigating magistrates shall be paid annually financial resources for robes or clothing in the amount of two average monthly salaries of employees in the public-financed sphere.

## **Article 222**

No compensations shall be paid upon promotion or transfer of a judge, prosecutor or investigating magistrate within the judicial authorities.

## **Article 223**

While in office, judges, prosecutors and investigating magistrates may use housing of the departmental housing stock of the judicial authorities.

## **Article 224**

(1) The compulsory social and health insurance of judges, prosecutors and investigating magistrates shall be covered by the Judiciary budget.

(2) Judges, prosecutors and investigating magistrates shall be compulsorily insured against accident for the account of the Judiciary budget.

## **Article 225**

(1) Upon release from office, a judge, prosecutor or investigating magistrate who has served more than ten years of in such a position shall be entitled to a lump-sum pecuniary compensation amounting to as many gross monthly remunerations as is the number of years served in the judicial authorities but not more than 20.

(2) (Supplemented, SG No. 103/2009, effective 29.12.2009, SG No. 49/2018) The compensation under Paragraph (1) shall not be paid in the cases under Items 3 and 5 of Article 165 (1), as well as where the aggregate score from the last appraisal of the judge, prosecutor or investigating magistrate concerned has been negative. No compensation shall be paid in the cases under Article 308, Paragraph (3), as well as where a judge, prosecutor or investigating magistrate tenders resignation when disciplinary proceedings have been instituted against them for the imposition of a sanction of release from office.

(3) In cases where a judge, prosecutor or investigating magistrate is constituted as a party accused of committing an intentional criminal offence or disciplinary proceedings have been instituted thereagainst, the compensation shall not be paid until the close of the criminal or disciplinary proceedings.

(4) Upon subsequent release from office, the compensation received upon the previously release shall be deducted from the compensation due under Paragraph (1).

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

## **Article 226**

Upon reinstatement, a judge, prosecutor or investigating magistrate who has been wrongfully released from office shall be entitled to compensation amounting to the gross remuneration thereof for the time during which the magistrate did not occupy the position, but for not more than six months. Where any such magistrate has been appointed to another position entailing a lower salary or has received remuneration in a lower amount for another work, any such magistrate shall be entitled to the difference between the salaries or to the difference between the salary and the remuneration. The gross salary on the basis of which the compensation is determined shall be the gross salary set thereto by the moment when the release from office was recognised as wrongful or when the magistrate failed to appear in order to take office.

## **Article 227**

(Supplemented, SG No. 33/2009, amended, SG No. 62/2016, effective 9.08.2016)

(1) A judge, prosecutor or investigating magistrate may be seconded where necessary for not more than 12 months with the advance written consent thereof. In exceptional cases, a magistrate may be seconded even without the consent thereof for a period of up to three months. Any such magistrate may not be re-seconded to the same judicial authority.

(2) (New, SG No. 90/2017) Paragraph (1) shall not apply where a judge, prosecutor or investigating magistrate is seconded to an unoccupied full-time position.

(3) (Renumbered from Paragraph (2), SG No. 90/2017) Should it be impossible to form a panel for the examination of a case, judges shall be seconded for the examination of the specific case until the disposal thereof at the respective instance in conformity with the standard rules and the random selection principle through electronic assignment.

(4) (Renumbered from Paragraph (3), SG No. 90/2017) Pregnant women and mothers of children up to the age of three years may not be seconded without the advance written consent thereof.

(5) (Renumbered from Paragraph (4), SG No. 90/2017) For the time during which a judge, prosecutor or investigating magistrate is seconded for the discharge of a position which is higher than the position occupied thereby, the magistrate shall receive the appropriate higher remuneration.

(6) (Renumbered from Paragraph (5), SG No. 90/2017) The authority whereat the magistrate is appointed shall pay the remuneration for the main position whereat such magistrate is appointed, as well as the difference up to the amount of the higher remuneration for rank and the superior position whereat the magistrate is seconded.

(7) (Renumbered from Paragraph (6), SG No. 90/2017) A judge, prosecutor or investigating magistrate shall be seconded after considering the rank held for the position to which the said magistrate is seconded, the professional service and experience thereof, a score from an appraisal and an opinion of the immediate administrative head thereof.

(8) (Renumbered from Paragraph (7), SG No. 90/2017) An order shall be issued for each secondment, stating reasons to the effect that the judge, prosecutor or investigating magistrate is seconded in the interest of the service.

(9) (Renumbered from Paragraph (8), SG No. 90/2017) In the cases where the relevant law requires invariability of the panel, the judge shall continue to sit in the cases of the court whereat the said judge works, and after the completion of the secondment shall also complete the cases at the court whereto the said judge has been seconded.

**Article 227a**

(New, SG No. 62/2016, effective 9.08.2016)

(1) A judge, prosecutor or investigating magistrate may be seconded by the respective chamber of the Supreme Judicial Council for the discharge of a position under Article 164 (9) with the written consent thereof.

(2) The position, the period of secondment and the remuneration shall be specified in an agreement between the Supreme Judicial Council and the institution under Paragraph (1).

(3) In the cases under Paragraph (1), the seconded judge, prosecutor or investigating magistrate shall inform the Supreme Judicial Council in writing once every six months of the activity implemented thereby and shall submit a final report upon the completion of the said activity.

(4) Where the period of secondment under Paragraph (1) exceeds one calendar year, the seconded judge, prosecutor or investigating magistrate shall vacate the full-time position occupied thereby. After the expiry of the period of secondment, the person shall be reinstated to the full-time position occupied in the same judicial authority.

**Article 228**

(Amended, SG No. 30/2013, effective 26.03.2013, SG No. 71/2013, effective 13.08.2013, repealed, SG No. 62/2016, effective 1.01.2017).

**Article 229**

The Labour Code shall apply to any matters unregulated in this Section.

## **Section VI**

### **Suspension from Office**

**Article 230**

(Amended and supplemented, SG No. 28/2016, SG No. 62/2016, effective 9.08.2016, SG No. 65/2017, amended, SG No. 90/2017)

(1) (Declared unconstitutional with Judgment No. 2 of the Constitutional Court of the Republic of Bulgaria - SG No. 19/2019)

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In the cases under Article 132 of the Constitution of the Republic of Bulgaria, where a judge, prosecutor or investigating magistrate is constituted as an accused party, the respective chamber

of the Supreme Judicial Council shall suspend the said magistrate from office until the close of the criminal proceedings.

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(2) (Declared unconstitutional with Judgment No. 2 of the Constitutional Court of the Republic of Bulgaria, in its part regarding the words "outside the cases under Paragraph 1" - SG No. 19/2019)

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Where, outside the cases under Paragraph (1), a judge, prosecutor or investigating magistrate is constituted as a party accused of a publicly prosecutable offence, the respective chamber of the Supreme Judicial Council may suspend the said magistrate from office until the close of the criminal proceedings. The chamber may hear the judge, prosecutor or investigating magistrate before a decision is adopted.

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(3) The period of the suspension from office in pre-trial proceedings may not exceed the period under Article 234 (8) of the Criminal Procedure Code. For the period of suspension from office, the judge, prosecutor and investigating magistrate shall be paid remuneration amounting to the minimum wage.

(4) Upon the expiry of the period under Article 234 (8) of the Criminal Procedure Code and upon a stay of the criminal proceedings, the suspended judge, prosecutor or investigating magistrate may approach the respective chamber of the Supreme Judicial Council with a request to adopt a decision reinstating the said magistrate to the position occupied. A refusal to adopt such a decision shall be appealable before the Supreme Administrative Court according to the procedure established by the Administrative Procedure Code.

(5) The motion for suspension from office under Paragraphs (1) and (2) shall be entered by the Prosecutor General on a proposal from the supervising prosecutor and shall be reasoned.

(6) In cases where detention in custody has been ordered for a judge, prosecutor or investigating magistrate as a precautionary measure to secure the appearance thereof, the said magistrate shall be considered suspended from office as from the date when the judicial instrument decreeing any such measure became enforceable.

### **Article 231**

(Supplemented, SG No. 33/2009)

(1) (Previous text of Article 231, supplemented, SG No. 62/2016, effective 9.08.2016, amended, SG No. 90/2017) Upon termination of the criminal proceedings, except in the cases under Items 2 and 3 of Article 24 (1) and Article 24 (3) of the Criminal Procedure Code, or upon rendition of a sentence of acquittal, the judge, prosecutor or investigating magistrate who has been suspended from office shall be reinstated and shall be paid the difference between the remuneration received under Article 230 (3) and the full amount of the labour remuneration for the period of the suspension.

(2) (New, SG No. 62/2016, effective 9.08.2016, amended, SG No. 90/2017) Upon conviction by an enforceable sentence, which is grounds for release from office pursuant to Item 3 of Article 129 (3) of the Constitution, the judge, prosecutor or investigating magistrate shall reimburse the

budget of the judicial authority concerned for the remuneration received under Article 230 (3).  
**Article 232**

(Supplemented, SG No. 103/2009, effective 29.12.2009, amended, SG No. 62/2016, effective 9.08.2016)

Where disciplinary proceedings have been instituted for the imposition of a sanction of release from office on disciplinary grounds on an elective member of the respective chamber of the Supreme Judicial Council, a judge, prosecutor, investigating magistrate, administrative head or deputy administrative head, the respective chamber of the Supreme Judicial Council, acting on a motion by the disciplinary panel, may suspend the said magistrate from office for a period of up to three months.

## **Section VII**

### **Ranks. Promotion without Transfer. Seniority**

#### **Article 233**

(1) There shall be the following ranks for a judge, prosecutor and investigating magistrate in an ascending order:

1. (amended, SG No. 33/2009, SG No. 1/2011, effective 4.01.2011) judge at a regional court and prosecutor at a regional prosecution office;
2. judge at an appellate court and prosecutor at an appellate prosecution office;
3. judge at the Supreme Court of Cassation and at the Supreme Administrative Court, prosecutor at the Supreme Cassation Prosecution Office and at the Supreme Administrative Prosecution Office, and investigating magistrate at the National Investigation Service.

(2) (Supplemented, SG No. 33/2009, SG No. 1/2011, effective 4.01.2011) Judges at the Sofia City Court, at the specialised criminal court and at the Sofia City Administrative Court shall rank as an appellate court judge, and judges at the Sofia District Court shall rank as a regional court judge.

(3) (Supplemented, SG No. 1/2011, effective 4.01.2011) Prosecutors at the Sofia City Prosecution Office and prosecutors at the specialised prosecution office shall rank as a prosecutor at an appellate prosecution office, and prosecutors at the Sofia City District Prosecution Office shall rank as a prosecutor at a regional prosecution office.

(4) (New, SG No. 1/2011, effective 4.01.2011) Judges at the appellate specialised criminal court shall rank as judges at the Supreme Court of Cassation.

(5) (New, SG No. 1/2011, effective 4.01.2011) Prosecutors at the appellate specialised prosecution office shall rank as a prosecutor at the Supreme Cassation Prosecution Office.

(6) (New, SG No. 1/2011, effective 4.01.2011, amended and supplemented, SG No. 90/2017, effective 1.01.2018) On the basis of the caseload level of the respective judicial authority, the Supreme Judicial Council shall set supplementary remuneration to judges, prosecutors and investigating magistrates. Appellate specialised criminal court judges, specialised criminal court judges, appellate specialised prosecution office prosecutors, specialised prosecution office prosecutors and investigating magistrates at the investigation department of the specialised prosecution office shall receive supplementary remuneration in an amount fixed according to rules for individual performance assessment, endorsed by the respective chamber of the Supreme Judicial Council, but not more than six basic monthly

remunerations per annum.

**Article 234**

(Amended, SG No. 1/2011, effective 4.01.2011, SG No. 62/2016, effective 9.08.2016)  
Promotion without transfer of a judge, prosecutor and investigating magistrate to a higher rank and respective increase of the remuneration may be effected where a "very good" aggregate score has been received from the last appraisal, if the said magistrate has served at least three years in the respective position of a position having a co-equal status and has practised law for the period required according to Article 164 in order to occupy the position corresponding to the higher rank.

**Article 235**

(Amended, SG No. 62/2016, effective 9.08.2016)  
Promotion without transfer shall be effected conforming to the ranks of a judge, prosecutor and investigating magistrate.

**Article 236**

A judge, prosecutor or an investigating magistrate, who has been released from office, with the exception of such released by reason of an enforceable sentence imposing a penal sanction of deprivation of liberty for an intentional criminal offence or whereon a disciplinary sanction of release from office on disciplinary grounds has been imposed, upon subsequent appointment shall retain the rank held upon the release thereof.

**Article 237**

(Amended, SG No. 1/2011, effective 4.01.2011)

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

1. by the position occupied thereby at the respective court, at a prosecution office or at an investigating authority;
2. if the positions are equal: by the rank held thereby under Article 233 (1) to (5);
3. if the positions and ranks are equal: by the length of time served in the same position;
4. if an equal length of time has been served in the same position: by the length of time served in other positions as a judge, prosecutor or investigating magistrate;

(2) The seniority of military judges, prosecutors and investigating magistrates shall be determined by the position occupied thereby; if the position is equal, the seniority shall be determined by the rank under Article 233 (1) to (5); if the position and rank are equal, the seniority shall be determined by the military rank, and if the military rank is equal, the seniority shall be determined by the length of time served in other positions as a judge, prosecutor or investigating magistrate.

## **Chapter Ten**

### **JUNIOR JUDGES, JUNIOR PROSECUTORS AND**

**JUNIOR INVESTIGATING MAGISTRATES. JUDICIAL ASSISTANTS AND PROSECUTORIAL ASSISTANTS  
(Heading amended, SG No. 33/2009, SG No. 62/2016, effective 9.08.2016)**

**Section I  
Junior Judges, Junior Prosecutors and Junior Investigating Magistrates  
(Heading amended, SG No. 33/2009, SG No. 62/2016, effective 9.08.2016)**

**Article 238**

(Amended, SG No. 32/2011, effective 1.01.2012, SG No. 62/2016, effective 9.08.2016) Eligibility for appointment as a junior judge, junior prosecutor and junior investigating magistrate shall be limited to persons who meet the requirements under Article 162 and who have successfully passed a competition under Item 1 of Article 176 (1), as well as the relevant examinations after the completion of a course of mandatory initial training at the National Institute of Justice.

**Article 239**

- (1) A junior judge shall be appointed to a regional court.
- (2) A junior prosecutor shall be appointed to a district prosecution office.
- (3) (Repealed, SG No. 33/2009, new, SG No. 62/2016, effective 9.08.2016) A junior investigating magistrate shall be appointed to a regional investigation department.

**Article 240**

(1) (Amended, SG No. 33/2009, SG No. 32/2011, effective 1.01.2012, SG No. 62/2016, effective 9.08.2016) A junior judge, junior prosecutor and junior investigating magistrate shall be appointed for a period of two years.

(2) (Supplemented, SG No. 28/2016) The period under Paragraph (1) may be extended by six months by a decision of the respective chamber of the Supreme Judicial Council.

(3) (New, SG No. 33/2009, amended, SG No. 32/2011, effective 1.01.2012) A junior judge with a service record of more than one year may be seconded to a vacant position at a district court in the same judicial district.

**Article 241**

(Amended, SG No. 62/2016, effective 9.08.2016) Upon entry into office, a junior judge, junior prosecutor and junior investigating magistrate shall take the oath under Article 155 or 156, respectively.

**Article 242**

(Amended, SG No. 33/2009)

(1) (Previous text of Article 242, SG No. 1/2011, effective 4.01.2011, amended, SG No. 62/2016, effective 9.08.2016) The administrative head of the respective court or prosecution office shall issue an order designating a judge, prosecutor or investigating magistrate as a mentor of the junior judge, junior prosecutor and, respectively, of the junior investigating magistrate, who shall monitor and assist the professional development of the junior judge, junior prosecutor or junior investigating magistrate.

(2) (New, SG No. 1/2011, effective 4.01.2011, amended, SG No. 28/2016, SG No. 49/2018) The respective chamber of the Supreme Judicial Council shall adopt rules for the activity of judge mentors, prosecutor mentors and the investigating magistrates mentors.

#### **Article 243**

(1) (Amended, SG No. 33/2009, SG No. 62/2016, effective 9.08.2016) After the expiry of the period under Article 240, the junior judge, junior prosecutor or junior investigating magistrate shall be appointed to the position of a judge at a district court, a prosecutor at a district prosecution office or, respectively, an investigating magistrate at a district investigation department, without holding a competition.

(2) Where a vacant position is not available in the respective judicial district, the person shall be offered a position in another judicial district.

## **Section II**

### **Judicial Assistants and Prosecutorial Assistants**

#### **Article 244**

(Amended, SG No. 33/2009, SG No. 1/2011, effective 4.01.2011, supplemented, SG No. 28/2016)

There may be judicial and prosecutorial assistants at the courts and at the prosecution offices if the respective chamber of the Supreme Judicial Council so determines on the basis of the caseload level of the respective judicial authority.

#### **Article 245**

(1) Eligibility for appointment as a judicial assistant and as a prosecutorial assistant shall be limited to persons who meet the requirements under Article 162 and who have successfully passed a competition for a judicial officer.

(2) Candidates shall be appointed in the order of the ranking thereof 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 246a**

(New, SG No. 1/2011, effective 4.01.2011, amended, SG No. 62/2016, effective 9.08.2016)

(1) Judicial assistants shall assist the judges, administrative heads and deputy administrative heads in the work thereof and, to this end:

1. shall draft judicial instruments;

2. shall peruse, analyse and summarise case-law and opinions in the legal doctrine and shall carry out comparative legal research in a specified matter assigned by a judge, administrative head or deputy administrative head;

3. shall draw up opinions on letters and alerts concerning legal matters received at the court;

4. shall assist the administrative heads and the chairpersons of divisions upon the institution of cases;

5. shall carry out other activities assigned by the administrative heads and the deputy administrative heads.

(2) Prosecutorial assistants shall assist prosecutors and administrative heads in the work thereof. Prosecutorial assistants may be assigned the drafting of prosecutorial instruments.

(3) The administrative heads of the court and the prosecuting magistracy shall endorse and publish on the website of the respective judicial authority rules of organisation of the operation of judicial assistants and prosecutorial assistants.

#### **Article 246b**

(New, SG No. 1/2011, effective 4.01.2011)

(1) Judicial assistants and prosecutorial assistants shall be bound to keep as official secret the information of which they have become aware in the course of their work and which affects the interests of citizens, legal persons, the administrative authorities and the State.

(2) Judicial assistants and prosecutorial assistants shall not have the right to give legal advice and opinions to the parties, to the procedural agents thereof or to third parties in connection with the official work thereof.

(3) When discharging the official duties thereof and in public life, judicial assistants and prosecutorial assistants must behave in conformity with professional ethics and not damage the prestige of the Judiciary.

(4) Judicial assistants and prosecutorial assistants shall be mandatorily insured against accident for the account of the Judiciary budget.

#### **Article 247**

Judicial assistants and prosecutorial assistants shall receive basic monthly remuneration amounting to 90 per cent of the basic remuneration 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 implement:

1. (amended, SG No. 32/2011, effective 1.01.2012, SG No. 62/2016, effective 9.08.2016) mandatory initial training of candidates for junior judge, junior prosecutor, and junior investigating magistrate;

2. (new, SG No. 49/2018) mandatory induction training of judges, prosecutors and investigating magistrates when they are appointed for the first time in judicial authorities and when court assessors are elected for their first term of office;

3. (supplemented, SG No. 33/2009, SG No. 62/2016, effective 9.08.2016, renumbered from Item 2, supplemented, SG No. 49/2018) maintaining and upgrading the qualification of judges, prosecutors and investigating magistrates, of members of the Supreme Judicial Council, of the Inspector General and inspectors of the Inspectorate with the Supreme Judicial Council, of public enforcement agents, recording magistrates, judicial assistants, prosecutorial assistants, judicial officers, court assessors, of the inspectors at the Inspectorate with the Minister of Justice and of other employees of the Ministry of Justice;

4. (new, SG No. 49/2018) e-learning, and shall organise empirical legal research and analysis.

(2) (Amended, SG No. 62/2016, effective 9.08.2016, SG No. 49/2018) The National Institute of Justice shall also maintain and upgrade through training activities the qualification of other persons where this is entrusted to it by a law or an instrument of the Council of Ministers.

## **Article 250**

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

## **Article 251**

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

(2) (Amended, SG No. 49/2018) The Supreme Judicial Council shall provide the resources required for the delivery of all activities envisaged in the law on the budget of the National Institute of Justice.

## **Article 252**

(1) (Amended, SG No. 1/2011, effective 4.01.2011) The National Institute of Justice shall be headed by a Managing Board, whereof the complement shall include five representatives of the Supreme Judicial Council and two representatives of the Ministry of Justice.

(2) (Amended, SG No. 1/2011, effective 4.01.2011, supplemented, SG No. 62/2016, effective 9.08.2016) The Chairperson of the Supreme Court of Cassation, the Chairperson of the

Supreme Administrative Court and the Prosecutor General shall be ex officio members of the Managing Board of the quota of the Supreme Judicial Council, and the rest of the representatives shall be elected by a decision of the Plenum on a nomination by the respective chamber, one each for the Judges Chamber and the Prosecutors Chamber. The Chairperson of the Supreme Court of Cassation shall be president of the Managing board.

(3) The Minister of Justice shall be an ex officio member of the Managing Board of the quota of the Ministry of Justice.

#### **Article 252a**

(New, SG No. 1/2011, effective 4.01.2011)

(1) (Amended, SG No. 62/2016, effective 9.08.2016) An elective member of the Managing Board may be released by the authority represented thereby:

1. upon tendering of resignation;

2. where continuously and actually unable to discharge the duties thereof for more than six months;

3. (supplemented, SG No. 62/2016, effective 9.08.2016) where released as a member of the Supreme Judicial Council: applicable to the representatives of the Supreme Judicial Council and, applicable to the representative of the Ministry of Justice, on a proposal by the representative of the Ministry of Justice;

4. upon a serious breach or systematic failure to discharge duties.

(2) (Amended, SG No. 62/2016, effective 9.08.2016) In the cases under Paragraph (1), the represented authority shall elect a new member of the Managing Board within one month.

#### **Article 253**

The Managing Board of the National Institute of Justice shall:

1. (amended, SG No. 62/2016, effective 9.08.2016) elect and release the Director and the deputy directors;

2. adopt the training programmes;

3. (supplemented, SG No. 62/2016, effective 9.08.2016) approve the draft budget of the National Institute of Justice and submit the said draft to the Plenum of the Supreme Judicial Council;

4. adopt internal rules provided for in the rules under Article 263;

5. approve the composition of the programme council of the National Institute of Justice;

6. (amended, SG No. 33/2009, supplemented, SG No. 62/2016, effective 9.08.2016) make a proposal on the staff size to the Plenum of the Supreme Judicial Council;

7. adopt a three-year plan for the activity thereof;

8. organise, direct and control the participation of the National Institute of Justice in the European Judicial Training Network.

#### **Article 254**

(Supplemented, SG No. 62/2016, effective 9.08.2016)

The Managing Board shall adopt decisions by a majority of more than one-half of the members thereof, with the exception of decisions under Items 1 to 4 of Article 253 and on the proposal under Article 263, which shall be adopted by a majority of two-thirds of the members.

#### **Article 255**

(1) (Supplemented, SG No. 62/2016, effective 9.08.2016) The National Institute of Justice shall be managed and represented by a Director.

(2) (Amended, SG No. 1/2011, effective 4.01.2011, SG No. 62/2016, effective 9.08.2016) The Director of the National Institute of Justice shall be elected for a term of five years. The Director may be elected for one more term after an evaluation of the performance thereof by the Managing Board. The Director shall be assisted by deputy directors.

(3) (New, SG No. 1/2011, effective 4.01.2011, supplemented, SG No. 62/2016, effective 9.08.2016) Eligibility for election as director and deputy director of the National Institute of Justice shall be limited to persons who:

1. hold a university degree in law and are licensed to practise law;

2. possess high professional standing and moral integrity and practical experience in the judicial system;

3. (supplemented, SG No. 62/2016, effective 9.08.2016) meet the requirements for service record under Article 164 (7), applicable to a director, and the requirements for service record under Article 164 (5), applicable to a deputy director;

4. (supplemented, SG No. 103/2017, effective 1.01.2018) have not been convicted for an intentional publicly prosecutable offence with imposition of a penal sanction of deprivation of liberty or disqualification from holding a particular State or public office; this circumstance shall be established by official channels.

(4) (New, SG No. 1/2011, effective 4.01.2011) The Director shall be released by the Managing Board:

1. upon tendering of resignation;

2. where continuously and actually unable to discharge the duties thereof for more than six months;

3. upon conviction for an intentional publicly prosecutable offence with imposition of a penal sanction of deprivation of liberty or disqualification from holding a particular State or public office;

4. for a serious or systematic breach of this Act and of the rules under Article 263.

(5) (Renumbered from Paragraph 3, SG No. 1/2011, effective 4.01.2011) In the absence of the Director, the powers thereof shall be exercised by a deputy director empowered thereby in writing.

(6) (New, SG No. 62/2016, effective 9.08.2016) The deputy directors shall be elected and released by the Managing Board on a nomination by the Director for the term of the credentials of the Director.

#### **Article 256**

(1) The programme council shall be an auxiliary body of the National Institute of Justice with advisory functions.

(2) The complement of the programme council shall be approved by the Managing Board and shall include prominent experts in legal theory and practice.

(3) The members of the programme council shall participate in the preparation and updating of the training programmes.

#### **Article 257**

(1) (Supplemented, SG No. 1/2011, effective 4.01.2011, amended, SG No. 62/2016, effective 9.08.2016) The training programmes of the National Institute of Justice shall be adopted by the Managing Board on a proposal by the Director after consultation with the Plenum of the Supreme Judicial Council.

(2) Programmes and activities for upgrading the qualification of public enforcement agents, of recording magistrates, of judicial officers, of the inspectors at the Inspectorate with the Minister of Justice and of other employees of the Ministry of Justice shall be coordinated with the Minister of Justice.

#### **Article 258**

(Amended, SG No. 32/2011, effective 1.01.2012)

(1) (Amended, SG No. 81/2012, effective 1.09.2012, amended and supplemented, SG No. 62/2016, effective 9.08.2016) The training under Item 1 of Article 249 (1) shall last nine months and shall commence in September of the relevant year. During the training, the candidates for junior judges, junior prosecutors and junior investigating magistrates shall receive 70 per cent of the basic remuneration of a junior judge, junior prosecutor and junior investigating magistrate for the account of the Judiciary budget through the National Institute of Justice. The financial resources shall be provided from the Judiciary budget through an increase of the budget of the National Institute of Justice conforming to the specific number of candidates for junior judges, junior prosecutors and junior investigating magistrates for the respective class.

(2) (Amended, SG No. 62/2016, effective 9.08.2016) At the end of the training, the candidates for junior judges, junior prosecutors and junior investigating magistrates shall sit for a written and oral examination of a practical nature, which shall be graded on a six-point scale.

(3) (Supplemented, SG No. 28/2016) The examinations under Paragraph (2) shall be conducted by a commission designated by the respective chamber of the Supreme Judicial

Council, composed of a chairperson and four members, and the complement of the said commission shall include judges and prosecutors. Permanent trainers at the National Institute of Justice, as well as members of the respective chamber of the Supreme Judicial Council, may not participate in the commission.

(4) The results of the written and oral examination shall be displayed at a place accessible to the general public in the building of the National Institute of Justice and shall be published on the website thereof.

(5) (Supplemented, SG No. 28/2016) An aggregate score shall be drawn up on the results of the examinations, representing the arithmetic mean of the scores for the written and oral examination, and the said aggregate score shall be transmitted to the respective chamber of the Supreme Judicial Council.

(6) (New, SG No. 62/2016, effective 9.08.2016) At the end of the training, the permanent trainers shall draw up reports on the moral integrity and professional standing under Item 3 of Article 162, exhibited by the candidates for junior judges, junior prosecutors and junior investigating magistrates during the training. The reports shall be provided to the respective chamber of the Supreme Judicial Chamber together with the score under Paragraph (5).

#### **Article 258a**

(New, SG No. 32/2011, effective 1.01.2012)

(1) (Amended, SG No. 62/2016, effective 9.08.2016) For the successful completion of the training under Item 1 of Article 249 (1), a candidate for junior judge, junior prosecutor and junior investigating magistrate must have received an aggregate score under Article 258 (5) which is not lower than "very good 4.50".

(2) (Amended, SG No. 62/2016, effective 9.08.2016) For the candidates for junior judge, junior investigating magistrate and junior prosecutor, who have not successfully completed the training under Item 1 of Article 249 (1), a new written and oral examination shall be scheduled for a date which is not earlier than one month and not later than two months after the announcement of the score under Article 258 (5). If a candidate receives again a score lower than "very good 4.50" for the examinations, the said candidate shall not be appointed a junior judge, junior prosecutor and junior investigating magistrate.

(3) (Amended, SG No. 28/2016) The respective chamber of the Supreme Judicial Council shall appoint the candidates who have successfully completed the training under Item 1 of Article 249 (1) to the position for which they have been approved by the decision under Article 186 (7).

(4) (Amended, SG No. 81/2012, effective 1.09.2012) Candidates who have refused to occupy the position or have abandoned the training for no valid reason, as well as those who have failed again the examinations thereof, shall reimburse the National Institute of Justice for the amounts received under Article 258 (1).

(5) (Amended, SG No. 81/2012, effective 1.09.2012, SG No. 62/2016, effective 9.08.2016) The social security contributions for public social insurance, supplementary compulsory retirement insurance, health insurance and accident insurance of the candidates for junior judges, junior prosecutors and junior investigating magistrates shall be covered by the Judiciary budget for the period of the training thereof under Item 1 of Article 249 (1).

(6) The training period of those who have passed the examinations shall count as service record under Article 164 (1) to (7).

#### **Article 258b**

(New, SG No. 32/2011, effective 19.04.2011, amended, SG No. 62/2016, effective 9.08.2016)

The status of candidates for junior judge, junior prosecutor and junior investigating magistrate during the training thereof under Item 1 of Article 249 (1), the arrangements and procedure for the conduct of the examinations under Articles 258 and 258a shall be regulated by acts adopted by the Supreme Judicial Council, which shall be promulgated in the State Gazette.

#### **Article 259**

(1) (Previous text of Article 259, SG No. 62/2016, effective 9.08.2016) Upon initial appointment to a position in the judicial authorities, during the first year after entry into office, judges, prosecutors and investigating magistrates shall undergo a mandatory course for the upgrading of qualification.

(2) (New, SG No. 62/2016, effective 9.08.2016) In the cases under Paragraph (1), judges, prosecutors and investigating magistrates shall be assigned a mentor according to the procedure established by Article 242 for the first year after entry into office.

#### **Article 260**

Participation of judicial officers in the appropriate qualification courses of the National Institute of Justice shall be taken into consideration when they are promoted.

#### **Article 261**

(Supplemented, SG No. 28/2016)

The respective chamber of the Supreme Judicial Council may decide that particular courses are mandatory for judges, prosecutors, investigating magistrates and judicial officers, in the cases of:

1. promotion in position;
2. appointment as an administrative head;
3. specialisation.

#### **Article 262**

(Amended, SG No. 1/2011, effective 4.01.2011, SG No. 32/2011, effective 1.01.2012, supplemented, SG No. 28/2016, amended, SG No. 62/2016, effective 9.08.2016, SG No. 49/2018)

(1) Trainers at the National Institute of Justice shall be permanent and temporary. The training of the candidates for junior judges, junior prosecutors and junior investigating magistrates shall be delivered by permanent trainers, but temporary trainers can also take part in it.

(2) Judges, prosecutors and investigating magistrates can work as permanent and temporary trainers at the National Institute of Justice. Research associates in legal sciences and experts in other fields can work as temporary trainers.

(3) Judges, prosecutors and investigating magistrates elected by the Managing Board as permanent trainers shall be seconded for a period of up to one year by the respective chamber of

the Supreme Judicial Council on a proposal by the Managing Board of the National Institute of Justice. This period may be extended annually after an evaluation of the performance of the permanent trainer by the Managing Board of the National Institute of Justice within an aggregate length of five years.

(4) Judges, prosecutors, investigating magistrates and judicial officers shall carry out teaching activities as temporary trainers at the National Institute of Justice and shall develop learning materials, self-learning resources and publications necessary for the training activities of the National Institute of Justice based on an order issued by the Director of the National Institute of Justice.

(5) The procedure for determining the persons referred to in Paragraphs (2), (3) and (4) and their remuneration shall be settled by the internal rules referred to in Article 253, Item 4.

(6) While carrying out teaching activities at the National Institute of Justice, temporary trainers shall use paid service leave.

#### **Article 263**

(Supplemented, SG No. 1/2011, effective 4.01.2011, amended, SG No. 28/2016)

On a motion by the Managing Board, the Plenum of the Supreme Judicial Council shall adopt rules of organisation of the operation of the National Institute of Justice and of the administration thereof, which shall be promulgated in the State Gazette.

## **Chapter Twelve**

### **PUBLIC ENFORCEMENT AGENTS**

#### **Article 264**

(1) There shall be public enforcement agents at the district courts.

(2) (New, SG No. 33/2009, amended, SG No. 62/2016, effective 9.08.2016) Public enforcement agents shall implement coercive enforcement of private claims. A public enforcement agent may furthermore be assigned the collection of receivables of the judicial authorities.

(3) (Renumbered from Paragraph 2, SG No. 33/2009) The number of public enforcement agents shall be determined by the Minister of Justice.

(4) (Renumbered from Paragraph 3, SG No. 33/2009) At district courts where there is no public enforcement agent, the functions of a public enforcement agent shall be implemented by a district judge designated by the chairperson of the respective court, of which the Minister of Justice shall be notified.

#### **Article 265**

Public enforcement agents shall be appointed by the Minister of Justice after holding of a competition. The Minister of Justice may also schedule a competition on a proposal by the chairperson of a district court.

#### **Article 266**

(1) The Minister of Justice shall schedule a competition for public enforcement agents by an order whereby the procedure for holding the said competition shall be established.

(2) The order shall be displayed at a place accessible to the general public in the building of the district court, shall be promulgated in the State Gazette and shall be published in one national daily newspaper and on the website of the Ministry of Justice within two months prior to the date of conduct of the competition.

(3) The order under Paragraph (1) shall also state:

1. number of vacant positions for public enforcement agents and the areas of practice thereof;

2. date, time and place for holding the competition;

3. place and deadline for the submission of competition documents;

4. amount of the stamp duty for entry into the competition and the account to which it must be credited.

(4) The Ministry of Justice shall collect stamp duty for the competition in an amount specified by a rate schedule approved by the Council of Ministers.

**Article 267**

Persons who meet the requirements under Article 162 may apply for entry into a competition for public enforcement agents.

**Article 268**

(1) The competition for public enforcement agents shall consist of a written and oral examination.

(2) The competition shall be held 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 shall transmit the ranking to the Minister of Justice within seven days.

(4) Within 14 days from the receipt of the results of the ranking, the Minister of Justice shall appoint the candidates who have successfully passed the competition in the order of the ranking until the vacancies are filled.

**Article 269**

(1) (Previous text of Article 269, SG No. 1/2011, effective 4.01.2011) If there is a single candidate who has worked as a public enforcement agent for more than five years, the said candidate shall be appointed to the position without competition.

(2) (New, SG No. 1/2011, effective 4.01.2011) Paragraph (1) shall not apply where a disciplinary sanction of dismissal has been imposed on the person.

**Article 270**

At the request of a public enforcement agent who has discharged such office for not less than two years, the Minister of Justice may transfer the said agent to another district court after consulting the chairpersons of the district courts concerned.

**Article 270a**

(New, SG No. 62/2016, effective 9.08.2016)

(1) Public enforcement agents shall be bound to keep as professional secret the circumstances of which the said agents have become aware in the course of work and may not use any such circumstances in order to obtain a benefit for themselves or for another. These obligations shall furthermore apply to the time during which the public enforcement agents do not exercise the functions thereof or the activity thereof is discontinued.

(2) Public enforcement agents shall be bound to observe professional ethics, to safeguard the prestige of the Judiciary, and to upgrade the qualification thereof.

(3) The Minister of Justice may address recommendations in the cases where omissions have been identified in the activity of a public enforcement agent which do not constitute breaches of discipline.

**Article 271**

A public enforcement agent shall be released from office by the Minister of Justice:

1. upon retirement;
2. at his or her own wish;
3. when a sentence, whereby a penal sanction of deprivation of liberty for an intentional criminal offence has been imposed, becomes enforceable;
4. where continuously unable to discharge the duties thereof for more than one year;
5. upon a serious breach or systematic failure to discharge the official duties thereof.

**Article 272**

(1) The Minister of Justice may suspend from office a public enforcement agent who has been constituted as a party accused of a publicly prosecutable offence.

(2) Upon termination of the criminal proceedings or upon rendition of a sentence of acquittal, the public enforcement agent who has been suspended from office shall be reinstated and shall be paid the labour remuneration for the period of the suspension.

**Article 273**

(1) In judicial districts with two or more public enforcement agents, one of the said agents, who has proven the professional standing, shall be appointed by the Minister of Justice as head for a period of five years with an entitlement to reappointment. The person shall receive supplementary remuneration for the leadership position discharged thereby.

(2) In the absence thereof, the head shall be deputised by a public enforcement agent designated by the chairperson of the district court, of which the Minister of Justice shall be notified.

#### **Article 274**

(1) (Previous text of Article 274, SG No. 62/2016, effective 9.08.2016) Where the position is vacant or the public enforcement agent as appointed is prevented from discharging the said position and cannot be replaced by another public enforcement agent of the same court, the chairperson of the respective regional court or the Minister of Justice may second in his or her stead a public enforcement agent from another judicial district.

(2) (New, SG No. 62/2016, effective 9.08.2016) The Minister of Justice may assign a recording magistrate of the same court to discharge the functions of a public enforcement agent.

#### **Article 275**

(1) While discharging the office thereof, a public enforcement agent shall wear a special sign specified by the Minister of Justice.

(2) State bodies, officials, organisations and citizens shall be bound to cooperate with the public enforcement agent upon the discharge of the official duties thereof.

(3) If unlawfully obstructed from discharging the official duties thereof, a public enforcement agent may request assistance, and the police authorities shall be bound to provide such assistance immediately.

#### **Article 276**

(1) (New, SG No. 33/2009, effective 1.01.2010) The remuneration of a public enforcement agent shall amount to 90 per cent of the remuneration of a judge at a district court.

(2) (Previous text of Article 276, SG No. 33/2009, effective 1.01.2010) Where a public enforcement agent has proved professional qualification and an exemplary discharge of the official duties, after six years of service, the Minister of Justice, acting on a proposal by the chairperson of the respective court, may set to any such public enforcement agent remuneration amounting up to the remuneration of a judge at a regional court.

#### **Article 277**

(1) Public enforcement agents shall be paid annually a clothing allowance amounting to two average monthly salaries of employees in the public-financed sphere.

(2) (Amended, SG No. 62/2016, effective 1.01.2018 - amended, SG No. 76/2016, effective 9.08.2016; amended, SG No. 90/2017, effective 1.01.2018) The mandatory social and health insurance of public enforcement agents and their insurance against accident during or in connection with the discharge of their official duties shall be covered by the Judiciary budget.

(3) Upon termination of the employment relationship, public enforcement agents shall be paid compensation under the terms established by Article 225.

#### **Article 278**

Unless otherwise provided for in this Chapter, the Labour Code shall apply.

## **Chapter Thirteen**

### **RECORDING MAGISTRATES**

#### **Article 279**

- (1) There shall be recording magistrates at the district courts.
- (2) The number of recording magistrates shall be determined by the Minister of Justice.
- (3) At district courts where there is no recording magistrate or where the recording magistrate is prevented from discharging the functions thereof, the said functions shall be performed by a regional judge, of which the Minister of Justice shall be notified.
- (4) The Minister of Justice may assign a public enforcement agent of the same court to discharge the functions of a recording magistrate.

#### **Article 280**

- (1) A recording magistrate shall:
  1. order or refuse entries, notations or strikings in the property register and pronounce on the issuance of abstracts and certificates;
  2. perform notarial and other steps provided for by law.

- (2) A recording magistrate may only act in the area of practice thereof.

#### **Article 281**

A recording magistrate shall be appointed by the Minister of Justice after holding of a competition. The Minister of Justice may also schedule a competition on a proposal by the chairperson of a district court.

#### **Article 282**

- (1) The Minister of Justice shall schedule a competition for recording magistrates by an order, whereby the procedure for the holding of the said competition shall be established.
- (2) The order shall be displayed at a place accessible to the general public in the building of the district court, shall be promulgated in the State Gazette and shall be published in one national daily newspaper and on the website of the Ministry of Justice within two months prior to the date of conduct of the competition.

- (3) The order under Paragraph (1) shall also state:

1. number of vacant positions for recording magistrates and the areas of practice thereof;
2. date, time and place for holding the competition;
3. place and deadline for the submission of competition documents;

4. amount of the stamp duty for entry into the competition and the account to which it must be credited.

(4) The Ministry of Justice shall collect stamp duty for the competition in an amount specified by a rate schedule approved by the Council of Ministers.

**Article 283**

Persons who meet the requirements under Article 162 may apply for entry into a competition for recording magistrates.

**Article 284**

(1) The competition for recording magistrates shall consist of a written and oral examination.

(2) The competition shall be held 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 shall transmit the ranking to the Minister of Justice within seven days.

(4) Within two weeks from the receipt of the results of the ranking, the Minister of Justice shall appoint the candidates who have successfully passed the competition in the order of the ranking until the vacancies are filled.

**Article 285**

(1) (Previous text of Article 285, SG No. 1/2011, effective 4.01.2011) If there is a single candidate who has worked as a recording magistrate for more than five years, the said candidate shall be appointed to the position without competition.

(2) (New, SG No. 1/2011, effective 4.01.2011) Paragraph (1) shall not apply where a disciplinary sanction of dismissal has been imposed on the person.

**Article 286**

At the request of a recording magistrate who has discharged such office for not less than two years, the Minister of Justice may transfer the said magistrate to another district court after consulting the chairpersons of the regional courts concerned.

**Article 286a**

(New, SG No. 62/2016, effective 9.08.2016)

(1) Recording magistrates shall be bound to keep as professional secret the circumstances of which the said magistrates have become aware in the course of work and may not use any such circumstances in order to obtain a benefit for themselves or for another. These obligations shall furthermore apply to the time during which the recording magistrates do not exercise the functions thereof or the activity thereof is discontinued.

(2) Recording magistrates shall be bound to observe professional ethics, to safeguard the prestige of the Judiciary, and to upgrade the qualification thereof.

(3) The Minister of Justice may address recommendations in the cases where omissions have been identified in the activity of a recording magistrate which do not constitute breaches of discipline.

**Article 287**

A recording magistrate shall be released from office by the Minister of Justice:

1. upon retirement;
2. at his or her own wish;
3. when a sentence, whereby a penal sanction of deprivation of liberty for an intentional criminal offence has been imposed, becomes enforceable;
4. where continuously unable to discharge the duties thereof for more than one year;
5. upon a serious breach or systematic failure to discharge the official duties thereof.

**Article 288**

(1) The Minister of Justice may suspend from office a recording magistrate who has been constituted as a party accused of a publicly prosecutable offence.

(2) Upon termination of the criminal proceedings or upon rendition of a sentence of acquittal, the recording magistrate who has been suspended from office shall be reinstated and shall be paid the labour remuneration for the period of the suspension.

**Article 289**

(1) In registry services with more than one recording magistrate, one of the said magistrates, who has proved a high professional standing, shall be appointed by the Minister of Justice as head for a period of five years with an entitlement to reappointment. The person shall receive supplementary remuneration for the leadership position discharged thereby.

(2) In the absence thereof, the head shall be deputed by a recording magistrate designated by the chairperson of the district court, of which the Minister of Justice shall be notified.

**Article 290**

Where the position is vacant or the recording magistrate as appointed is prevented from discharging the said position and cannot be replaced by another recording magistrate of the same court, the chairperson of the respective regional court or the Minister of Justice may second in his or her stead a recording magistrate from another judicial district.

**Article 291**

(1) (New, SG No. 33/2009, effective 1.01.2010) The remuneration of a recording magistrate shall amount to 90 per cent of the remuneration of a judge at a district court.

(2) (Previous text of Article 291, SG No. 33/2009, effective 1.01.2010) Where a recording magistrate has proved professional qualification and an exemplary discharge of the official duties, after six years of service, the Minister of Justice, acting on a proposal by the chairperson of the respective court, may set to any such recording magistrate remuneration amounting up to the remuneration of a judge at a regional court.

#### **Article 292**

(1) Recording magistrates shall be paid annually a clothing allowance amounting to two average monthly salaries of employees in the public-financed sphere.

(2) (Amended, SG No. 62/2016, effective 1.01.2018 - amended, SG No. 76/2016, effective 9.08.2016; amended, SG No. 90/2017, effective 1.01.2018) The mandatory social and health insurance of recording magistrates and their insurance against accident in the course of or in connection with the discharge of their official duties shall be covered by the Judiciary budget.

(3) Upon termination of the employment relationship, recording magistrates shall be paid compensation under the terms established by Article 225.

#### **Article 293**

Unless otherwise provided for in this Chapter, the Labour Code shall apply.

## **Chapter Fourteen**

### **LICENSING**

#### **Article 294**

(1) Holders of a university degree in law shall be licensed to practise law after a six-month internship as legal interns and sitting for an examination.

(2) (Amended, SG No. 62/2016, effective 9.08.2016) During the internship, legal interns shall be familiarised in practice with the basic functions and with the working arrangements of the professions for which a degree in law is required and shall participating in the drafting of instruments and legally relevant documents.

#### **Article 295**

(1) Eligibility for the status of a legal intern shall be limited to Bulgarian citizens, citizens of another Member State of the European Union or foreigners who hold a university degree in law awarded in the Republic of Bulgaria.

(2) Eligibility for the status of a legal intern shall be extended to Bulgarian citizens, citizens of another Member State of the European Union or foreigners who hold a university degree in law awarded abroad, provided that the diploma held thereby is recognised in the Republic of Bulgaria and has been legalised.

#### **Article 296**

An applicant for the status of a legal intern shall submit the following to the Ministry of

Justice:

1. an application in writing, stating the forename, patronymic and surname thereof, the Standard Public Registry Personal Number or, respectively, the Foreigner Personal Number, and the permanent address thereof;

2. a notarised copy of a diploma or a certificate of status showing the award of a university degree in law;

3. (repealed, SG No. 103/2017, effective 1.01.2018);

4. a copy of an identity document;

5. a copy of the residence certificate: applicable to nationals of another Member State of the European Union;

6. (new, SG No. 62/2016, effective 9.08.2016) written consent from the mentor under Article 297 (5) and an individual plan for conduct of a professional internship under Item 2 of Article 297 (2).

#### **Article 297**

(1) (Supplemented, SG No. 62/2016, effective 9.08.2016) The Minister of Justice or a deputy minister empowered thereby shall assign the legal intern to the regional court in the judicial district whereof the permanent address of the said intern is located. As an exception, where important circumstances so require, a legal intern may be assigned to another judicial district.

(2) (New, SG No. 62/2016, effective 9.08.2016) The internship for a licence to practise law shall be conducted in two stages:

1. basic internship: general familiarisation with the principal functions, duties and operational arrangements of the judicial authorities of a duration of not less than two months; a mentor shall be assigned to the legal intern at each judicial authority;

2. professional internship: with a lawyer, notary, private enforcement agent, member of another profession for which a degree in law is required, at an executive authority or at another institution specified by the ordinance under Article 297a, whose activity is related to the advancement of law, the Judiciary or the protection of human rights; the professional internship shall have a duration of four months and shall be conducted under the guidance of a mentor; the professional internship may alternatively be conducted at a judicial authority under Item 1.

(3) (Renumbered from Paragraph 2, amended, SG No. 62/2016, effective 9.08.2016) During the internship, the legal intern shall not receive remuneration and the time shall not count as contributory service, unless the contract with a person under Item 2 of Paragraph (2) provides otherwise.

(4) (Amended, SG No. 33/2009, renumbered from Paragraph 3, amended, SG No. 62/2016, effective 9.08.2016) The internship under Item 1 of Paragraph (2) shall be taken into consideration upon the appraisal of the judge, prosecutor or investigating magistrate concerned.

(5) (Renumbered from Paragraph 4, amended, SG No. 62/2016, effective 9.08.2016) The internship under Item 2 of Paragraph (2) shall be conducted under the guidance of a mentor who has served at least five years in the respective position or profession. The place for conduct of the professional internship shall be in the regional judicial district specified according to the procedure established by Item 1 of Article 296.

(6) (Amended, SG No. 1/2011, effective 4.01.2011, renumbered from Paragraph 5, SG No. 62/2016, effective 9.08.2016) An internship shall be considered completed if the internship record has been duly certified by the respective court, prosecution office and investigation department.

#### **Article 297a**

(New, SG No. 62/2016, effective 9.08.2016)

The Minister of Justice shall issue an ordinance establishing:

1. the procedure for the appointment and assignment of legal interns;
2. the essential elements of the internship record issued to the legal intern;
3. the documents, criteria, standards, stages and subject matter covered by the internship programmes;
4. the procedure for the exercise of control over the implementation of the internship programmes;
5. the procedure for conduct of the examination for a licence to practise law;
6. the procedure for maintaining a public register of the persons licensed to practise law.

#### **Article 298**

(1) After the completion of the internship, the legal intern shall sit for an examination for a licence to practise law.

(2) In order to sit for the examination, the legal intern shall submit a written application to the Minister of Justice care of the chairperson of the respective regional court, enclosing therewith the internship record thereof.

#### **Article 299**

(1) The Minister of Justice shall issue an order setting the date and time for conduct of the examination for a licence to practise law, the complement of the examination commission, as well as the legal interns admitted to the examination.

(2) (Amended, SG No. 62/2016, effective 9.08.2016) The order of the Minister of Justice and the list of the legal interns admitted to the examination shall be made public at the Ministry of Justice within three days prior to the date of conduct of the examination and shall be published on the website of the Ministry of Justice.

(3) (Amended, SG No. 62/2016, effective 9.08.2016) The examination shall be conducted twice annually by a five-member commission composed of: a chairperson, representing the Inspectorate with the Minister of Justice, and members: one representative of the Supreme Bar Council, two representatives of the judicial authorities, and one academic-degree-holding scholar in legal sciences. The judicial authorities and the bodies of the Supreme Bar Council shall notify the Minister of Justice of the representatives designated thereby.

(4) (Repealed, SG No. 62/2016, effective 9.08.2016, new, SG No. 49/2018) By an order under Paragraph (1) the Minister of Justice can also schedule examinations more frequently than twice a year, where the applications for examinations are more than 200 and the legal interns meet the requirements for admission to examination.

#### **Article 300**

(Amended, SG No. 62/2016, effective 9.08.2016)

(1) The examination for a licence to practise law shall be uniform and anonymous. The said examination shall consist in a combined testing of the knowledge of the applicants by solving a legal problem and solving a practical test and shall be graded as "pass" or "fail".

(2) The practical knowledge and skills acquired during the internship, including an ability to analyse legally relevant facts and the applicable law, as well as knowledge of professional legal ethics, shall be tested upon the conduct of the examination.

(3) If graded as "fail", a legal intern shall have the right to re-sit for the examination after an additional two-month internship according to the procedure established by Item 1 of Article 297 (2) on not more than three occasions.

(4) The results of this examination shall be entered in a memorandum, which shall be signed by the members of the examination commission and shall be kept at the Ministry of Justice.

#### **Article 301**

The Minister of Justice shall issue a licence to practise law to a legal intern who has been graded as "pass".

## **Chapter Fifteen INCENTIVES**

#### **Article 302**

(Amended, SG No. 62/2016, effective 9.08.2016)

The respective chamber of the Supreme Judicial Council may propose to the President of the Republic of Bulgaria to award orders or medals to judges, prosecutors and investigating magistrates for exceptional or significant services to the exercise of judicial power.

#### **Article 303**

(1) (Amended, SG No. 28/2016) The respective chamber of the Supreme Judicial Council

may incentivise a judge, prosecutor and investigating magistrate by a distinction or award for exhibiting a high professional standing, an exemplary discharge of the official duties and moral integrity.

(2) The distinctions shall be:

1. a citation and certificate;
2. a personal badge of honour:
  - (a) first class: gold;
  - (b) second class: silver;
3. promotion in rank ahead of schedule.

(3) An award not exceeding the amount of the basic monthly remuneration shall be:

1. cash;
2. merchandise.

(4) The distinction may be combined with an award.

#### **Article 304**

(1) (Amended, SG No. 1/2011, effective 4.01.2011, amended and supplemented, SG No. 28/2016) The respective chamber of the Supreme Judicial Council may be approached with a proposal for an incentive by 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, the chairperson of an appellate, appellate specialised criminal, military appellate, regional, specialised criminal and administrative court, by an appellate, military appellate, regional and military regional prosecutor, by the head of the specialised prosecution office and of the appellate specialised prosecution office, as well as by three members of the respective chamber of the Supreme Judicial Council and by the respective professional organisation.

(2) The Inspectorate with the Supreme Judicial Council may approach the administrative head concerned with a proposal for an incentive.

#### **Article 305**

(1) The Minister of Justice may incentivise a public enforcement agent and a recording magistrate by a distinction or award for exhibiting a high professional standing, an exemplary discharge of official duties and moral integrity in society.

(2) The distinctions shall be:

1. a citation and certificate;
2. a personal badge of honour:
  - (a) first class: gold;
  - (b) second class: silver.
- (3) The award at the amount of up to one basic monthly remuneration shall be:
  1. cash;
  2. merchandise.
- (4) The distinction may be combined with an award.

**Article 306**

The chairperson of the respective district court or the Inspector General at the Inspectorate with the Minister of Justice shall approach the Minister of Justice with a proposal for an incentive.

## **Chapter Sixteen**

### **DISCIPLINARY LIABILITY**

#### **Section I**

### **Disciplinary Liability of Judges, Prosecutors and Investigating Magistrates, of Administrative Heads of Court, Prosecuting Magistracy and Investigating Magistracy, of Deputy Administrative Heads and of Supreme Judicial Council Members**

**(New heading, SG No. 62/2016, effective 9.08.2016)**

**Article 307**

(Amended, SG No. 33/2009, supplemented, SG No. 103/2009, effective 29.12.2009, amended, SG No. 1/2011, effective 4.01.2011, SG No. 62/2016, effective 9.08.2016)

(1) A disciplinary sanction shall be imposed on a judge, prosecutor and investigating magistrate, on a member of the Supreme Judicial Council, on the administrative courts of the court, the prosecuting magistracy and the investigating magistracy and the deputies thereof for the commission of a breach of discipline.

(2) A breach of discipline shall be a culpable failure to discharge official duties, as well as damaging the prestige of the Judiciary;

(3) The following shall constitute breaches of discipline:

1. any systematic failure to keep the deadlines provided for in the procedural laws;
2. any act or omission that unjustifiably delays the proceedings;
3. any act or omission, including a breach of the Code of Ethical Behaviour of Bulgarian Magistrates, which damages the prestige of the Judiciary;
4. any failure to discharge other official duties.

(4) An elective member of the Supreme Judicial Council, whose credentials have been terminated early by reason of tendering resignation pursuant to Item 1 of Article 130 (8) of the Constitution of the Republic of Bulgaria, shall incur disciplinary liability for damaging the prestige of the Judiciary if the member concerned has been reinstated to the position of a judge, prosecutor or investigating magistrate.

(5) Except for the breaches under Paragraph (3), disciplinary liability shall furthermore be incurred by:

1. the respective administrative head: in case of a failure to exercise control under Article 140 (3);
2. a military judge, military prosecutor and military investigating magistrate: for breaches provided for in the special laws and military regulations.

(6) Disciplinary liability shall be enforced notwithstanding civil, administrative penalty liability and criminal responsibility, should any such liability or responsibility be provided for.

#### **Article 308**

(1) (Amended, SG No. 62/2016, effective 9.08.2016) The following disciplinary sanctions may be imposed on a judge, prosecutor, investigating magistrate, administrative head and deputy administrative head:

1. reprimand;
2. reduction of the basic labour remuneration by 10 to 20 per cent for a period of six months to one year;
3. demotion in rank for a period of six months to one year;
4. demotion in position for a period of six months to one year;
5. release from office as an administrative head or deputy administrative head;
6. release from office on disciplinary grounds.

(2) (Amended, SG No. 62/2016, effective 9.08.2016) The following disciplinary sanctions may be imposed on a member of the Supreme Judicial Council:

1. reprimand;
2. release from the office held on disciplinary grounds.

(3) (New, SG No. 103/2009, effective 29.12.2009, amended, SG No. 62/2016, effective 9.08.2016) The disciplinary sanction of release from office on disciplinary grounds shall be imposed for:

1. a systematic failure to discharge, or another serious breach of, the official duties;
2. actions damaging the prestige of the Judiciary.

(4) (Renumbered from Paragraph 3, SG No. 103/2009, effective 29.12.2009) Only one disciplinary sanction shall be imposed for one and the same breach of discipline.

#### **Article 309**

The gravity of the breach, the form of culpability, the circumstances surrounding the commission of the breach and the behaviour of the offender shall be taken into consideration when determining the disciplinary sanction.

#### **Article 310**

(1) (Amended, SG No. 33/2009, SG No. 62/2016, effective 9.08.2016) Disciplinary proceedings shall be instituted by an order or, respectively, by a decision of the sanctioning authority within six months from the discovery, but not later than three years from the commission of the breach.

(2) (Amended, SG No. 62/2016, effective 9.08.2016) Disciplinary proceedings shall be closed within three months from the institution thereof. In disciplinary proceedings of a particular factual and legal complexity, this time limit may be extended to six months by a decision of the respective college or, respectively, of the Plenum of the Supreme Judicial Council, this time limit may be extended up to six months. The expiry of the time limit for pronouncement shall not be grounds for lapse of the liability.

(3) (Supplemented, SG No. 33/2009, amended, SG No. 103/2009, effective 29.12.2009, SG No. 62/2016, effective 9.08.2016) Where the breach consists in an omission to act, the periods under Paragraph (1) shall begin to run from the discovery thereof. In case of a breach damaging the prestige of the Judiciary, the time limits under Paragraph (1) shall begin to run as to the public announcement of the act.

(4) (Amended, SG No. 33/2009) In case of a breach of discipline which also constitutes a criminal offence, established by an enforceable sentence or an enforceable ruling on termination of the criminal proceedings pursuant to Items 2 and 3 of Article 24 (1) and Article 24 (3) of the Criminal Procedure Code, the time limits under Paragraph (1) shall begin to run from the date when such sentence or ruling becomes enforceable.

(5) (Amended, SG No. 62/2016, effective 9.08.2016) The time limits under Paragraph (1)

shall cease to run:

1. during which the person is on statutory leave;
2. in the cases when a refusal to institute disciplinary proceedings is appealed: until pronouncement by the competent authority.

(6) (New, SG No. 62/2016, effective 9.08.2016) In the cases under Paragraph (3) and Item 2 of Paragraph (5), disciplinary proceedings shall not be instituted where five years have lapsed since the commission of the breach.

### **Article 311**

(Supplemented, SG No. 103/2009, effective 29.12.2009, amended, SG No. 62/2016, effective 9.08.2016)

A disciplinary sanction shall be imposed by:

1. the administrative head: applicable to the sanction under Item 1 of Article 308 (1);
2. the respective college of the Supreme Judicial Council: on judges, prosecutors and investigating magistrates, applicable to the sanctions under Items 2, 3, 4 and 6 of Article 308 (1);
3. the respective college of the Supreme Judicial Council: on administrative heads, as well as on deputy administrative heads;
4. the Plenum of the Supreme Judicial Council: applicable to the sanctions under Article 308 (2) on an elective member of the Supreme Judicial Council.

### **Article 312**

(Amended, SG No. 28/2016, SG No. 62/2016, effective 9.08.2016)

(1) The institution of disciplinary proceedings for the imposition of a disciplinary sanction on a judge, prosecutor and investigating magistrate, an administrative head and a deputy administrative head, may be proposed by:

1. the respective administrative head;
2. a superior administrative head;
3. the Inspectorate with the Supreme Judicial Council;
4. the Minister of Justice.

(2) The imposition of a disciplinary sanction under Article 308 (2) on a member of the Supreme Judicial Council may be proposed by five of the members of the Plenum of the Supreme Judicial Council or by three of the members of the respective college.

(3) The imposition of a sanction of release from office on disciplinary grounds under proposition one of Item 4 of Article 130 (8) of the Constitution of the Republic of Bulgaria on an elective member of the Supreme Judicial Council elected by the National Assembly may furthermore be proposed on a motion by one-fifth of the National Representatives.

(4) The imposition of a sanction of release from office on disciplinary grounds under proposition one of Item 4 of Article 130 (8) of the Constitution of the Republic of Bulgaria on an elective member of the Supreme Judicial Council elected by the judges, prosecutors or investigating magistrates may furthermore be proposed on a motion by one-fifth of the sitting judges, prosecutors or investigating magistrates.

### **Article 313**

(Amended, SG No. 33/2009, SG No. 62/2016, effective 9.08.2016)

(1) Before imposing a disciplinary sanction, the sanctioning authority shall hear the person held liable for a breach of discipline or shall accept the written explanations thereof.

(2) Where the person held liable for a breach of discipline has not been heard or the written explanations thereof have not been requested, the court shall revoke the disciplinary sanction imposed without examining the case on the merits, unless the person has refused to give explanations or to be heard.

(3) Any facts and circumstances in connection with the disciplinary proceedings may not be disclosed until the written statement imposing a disciplinary sanction has been served on the person held liable for a breach of discipline.

### **Article 314**

(Amended and supplemented, SG No. 28/2016, amended, SG No. 62/2016, effective 9.08.2016)

(1) A disciplinary sanction under Item 1 of Article 308 (1) shall be imposed by a reasoned order of the administrative head on a judge, prosecutor or investigating magistrate who is held liable for a breach of discipline. Where the breach of discipline was committed during a secondment, the sanction shall be imposed by the administrative head of the court or prosecution office whereto the judge, prosecutor or investigating magistrate has been seconded.

(2) Where in the course of the disciplinary proceedings it is established that there are grounds for the imposition of a sanction under Item 2, 3, 4 or 6 of Article 308 (1), the administrative head shall suspend the disciplinary proceedings, shall approach the respective chamber of the Supreme Judicial Council with a reasoned proposal for the imposition of the sanction, and shall transmit the case file to the said chamber.

(3) The disciplining authority under Paragraph (1) shall notify the respective chamber of the Supreme Judicial Council of the sanction imposed under Item 1 of Article 308 (1), transmitting thereto the case file and the order immediately after the said order has been served on the person held liable for a breach of discipline.

(4) Within one month from the receipt of the order under Paragraph (3), the respective chamber of the Supreme Judicial Council may confirm or revoke the sanction imposed.

(5) Where it determines that there are grounds for the replacement of the sanction imposed by a severer sanction, the respective chamber of the Supreme Judicial Council shall institute

disciplinary proceedings, which shall be conducted according to the procedure established by Articles 314 to 322.

(6) (Repealed, SG No. 29/2019).

(7) The decision of the respective chamber of the Supreme Judicial Council under Paragraph (4) shall be appealable according to the procedure established by Article 323.

**Article 315**

(Repealed, SG No. 62/2016, effective 9.08.2016).

**Article 316**

(Amended, SG No. 33/2009, SG No. 103/2009, effective 29.12.2009, SG No. 28/2016, SG No. 62/2016, effective 9.08.2016)

(1) Disciplinary proceedings shall be instituted within seven days from the receipt of a proposal under Article 312 by rendering the instrument under Article 310 (1).

(2) Within seven days from the institution of disciplinary proceedings, the respective chamber of the Supreme Judicial Council shall designate, from among the members thereof, on the basis of the random selection principle for the assignment of cases, a three-member disciplinary panel and a presiding member of the panel, who shall concurrently be a rapporteur.

(3) The ex officio members of the Supreme Judicial Council shall be ineligible for membership of the disciplinary panel. Until the elective members of the respective chamber are depleted, the members of a disciplinary panel shall be excluded from the selection for the formation of subsequent disciplinary panels.

(4) The presiding member of the disciplinary panel shall schedule a hearing within seven days from the institution of disciplinary proceedings.

(5) The Plenum of the Supreme Judicial Council shall examine the disciplinary case file against a member thereof at the first session after the institution of the disciplinary proceedings.

(6) Duplicate copies of the proposal for the imposition of a disciplinary sanction and the written evidence enclosed therewith shall be transmitted to the person held liable for a breach of discipline. The communication shall be effected according to the procedure established by the Code of Administrative Procedure.

(7) Within seven days from the receipt of the communication, the person held liable for a breach of discipline may lodge objections in writing and adduce evidence.

**Article 317**

(1) (Supplemented, SG No. 62/2016, effective 9.08.2016) The person held liable for a breach of discipline and the proposer shall be notified of the meeting of the disciplinary panel or of the session of the Plenum of the Supreme Judicial Council, respectively.

(2) After the institution of disciplinary proceedings, the proposer may not withdraw the proposal.

#### **Article 318**

(1) (Amended, SG No. 33/2009, supplemented, SG No. 62/2016, effective 9.08.2016) The meetings of the disciplinary panel or, respectively, the sessions of the Supreme Judicial Council, shall take place behind closed doors.

(2) The person held liable for a breach of discipline shall be entitled to defence by counsel.

(3) (Amended, SG No. 33/2009, supplemented, SG No. 62/2016, effective 9.08.2016) The disciplinary panel or, respectively, the Plenum of the Supreme Judicial Council, shall clarify the facts and circumstances surrounding the breach committed and, to this end, may collect oral, written and physical evidence, including through a delegated member thereof, as well as to hear expert witnesses according to the procedure established by the Code of Administrative Procedure.

(4) (Supplemented, SG No. 62/2016, effective 9.08.2016) The proposer or a representative empowered thereby, the person held liable for a breach of discipline and the defence counsel thereof shall be heard by the disciplinary panel or, respectively, by the Plenum of the Supreme Judicial Council, if they attend the meeting or session.

#### **Article 319**

(1) (Amended, SG No. 33/2009) Within 14 days from the last meeting, the disciplinary panel shall adopt a decision establishing the facts subject to proving, expressing an opinion regarding the circumstances and the legal basis for the imposition of a disciplinary sanction, and proposing the type and extent of the sanction.

(2) The decisions of the disciplinary panel shall be adopted by a majority of more than one-half of the members thereof.

#### **Article 320**

(Amended, SG No. 33/2009, supplemented, SG No. 1/2011, effective 4.01.2011, SG No. 28/2016, amended, SG No. 62/2016, effective 9.08.2016)

(1) Within three days from the adoption of the decision, the disciplinary panel shall submit the said decision to the presiding officer of the respective chamber of the Supreme Judicial Council together with the case file for the immediate laying of the said decision and case file before the respective chamber.

(2) The respective chamber of the Supreme Judicial Council shall examine the proposal of the disciplinary panel for the imposition of a disciplinary sanction within 14 days from the submission of the said proposal.

(3) The respective chamber of the Supreme Judicial Council may:

1. impose the sanction as proposed by the disciplinary panel or, respectively, by the proposer;

2. reject the proposal for the imposition of a disciplinary sanction by the disciplinary panel or, respectively, by the proposer and:

(a) not impose a disciplinary sanction;

(b) (supplemented, SG No. 29/2019) to impose a less severe sanction, including a disciplinary sanction under Article 308(1)(1);

(c) impose a severer sanction;

(d) (repealed, SG No. 29/2019).

(4) The Plenum of the Supreme Judicial Council may:

1. reject the proposal for the imposition of a disciplinary sanction or for approaching the President of the Republic with a proposal under Item 5 of Article 129 (3) of the Constitution of the Republic of Bulgaria;

2. impose a disciplinary sanction on an elective member of the Supreme Judicial Council;

3. approach the President of the Republic with a proposal for the release of an ex officio member of the Supreme Judicial Council.

(5) In the cases under Item 2 (c) of Paragraph (3), the respective chamber or the Plenum of the Supreme Judicial Council shall notify the person held liable for a breach of discipline of the proposal to impose a severer sanction and shall afford the said person an opportunity to be heard or to give written explanations.

(6) The decision of the respective chamber of the Supreme Judicial Council shall be adopted by a majority of not less than eight votes, applicable to the Judges Chamber, and not less than six votes, applicable to the Prosecutors Chamber, and the decision of the Plenum of the Supreme Judicial Council shall be adopted by not less than seventeen of the votes of the members thereof.

(7) The decisions under Paragraphs (3) and (4) shall be reasoned. The reasoning for the decision of the disciplinary panel, as well as any considerations expressed by the members of the respective chamber of the Supreme Judicial Council or the Plenum of the Supreme Judicial Council, shall likewise be treated as reasoning for the decision, where the proposal of the disciplinary panel is adopted.

(8) The decision of the respective chamber of the Supreme Judicial Council shall be communicated immediately to the person held liable for a breach of discipline and to the proposer according to the procedure established by the Code of Administrative Procedure.

**Article 321**

(Repealed, SG No. 62/2016, effective 9.08.2016).

**Article 322**

(Amended, SG No. 62/2016, effective 9.08.2016)

A disciplinary sanction shall be considered imposed as from the day of communication to the person sanctioned of the decision of the Plenum or of the decision of the respective chamber of the Supreme Judicial Council or as from the day of service of the order of the administrative head.

### **Article 323**

(1) (Amended, SG No. 33/2009, supplemented, SG No. 28/2016, amended, SG No. 62/2016, effective 9.08.2016) The decision of the Plenum or of the respective chamber of the Supreme Judicial Council shall be appealable by the person whereon a disciplinary sanction has been imposed and by the proposer before the Supreme Administrative Court within 14 days from the communication or from the service of the order.

(2) An appeal shall not stay the enforcement, unless the Supreme Administrative Court adjudges otherwise.

(3) (Amended, SG No. 62/2016, effective 9.08.2016) The appeal shall be examined by a three-judge panel of the Supreme Administrative Court within two months from the receipt thereof in the Court.

(4) (Amended, SG No. 33/2009, SG No. 62/2016, effective 9.08.2016) The judgement of the three-judge panel of the Supreme Administrative Court shall be subject to cassation appeal before a five-judge panel of the Supreme Administrative Court within 14 days from the communication thereof. The five-judge panel shall examine the case within two months from the receipt of the cassation appeal.

(5) (Repealed, SG No. 33/2009).

### **Article 324**

(Amended, SG No. 103/2009, effective 29.12.2009, SG No. 62/2016, effective 9.08.2016)

The enforceable decision in the disciplinary proceedings shall be made public on the website of the Supreme Judicial Council.

### **Article 325**

(1) (Supplemented, SG No. 28/2016) The enforceable decision of the respective chamber of the Supreme Judicial Council on the imposition of a disciplinary sanction shall be subject to immediate enforcement.

(2) (New, SG No. 62/2016, effective 9.08.2016) Where a sanction under Item 1, 2 or 3 of Article 308 (1) has been imposed on a judge, prosecutor or investigating magistrate for a breach committed under Item 1 or 2 of Article 307 (3), the implementation of the sanction may be deferred by the sanctioning authority for a period of up to six months upon application of an individual plan for professional development, which shall include measures for overcoming specific needs and shortcomings identified in the performance and preparation of the judge, prosecutor or investigating magistrate.

(3) (New, SG No. 62/2016, effective 9.08.2016) The individual plan for professional development shall be proposed by the respective administrative head or by the disciplinary panel of the respective chamber of the Supreme Judicial Council.

(4) (New, SG No. 62/2016, effective 9.08.2016) After the expiry of the period under Paragraph (2), the respective chamber of the Supreme Judicial Council shall adopt a report on the

implementation of the individual plan and shall determine whether the sanction imposed needs to be implemented.

(5) (New, SG No. 62/2016, effective 9.08.2016) The right under Paragraph (2) may be exercised on a single occasion within the professional career of the judge, prosecutor or investigating magistrate, regardless of the number of appointments.

(6) (Renumbered from Paragraph 2, SG No. 62/2016, effective 9.08.2016) The enforceable decision on the imposition of a disciplinary sanction of demotion in rank or in position or of release from office as an administrative head or a deputy administrative head shall also be grounds for a reduction of the amount of the remuneration received by the judge, prosecutor or investigating magistrate corresponding to the lower rank or position for the period of the sanction.

#### **Article 326**

(1) (Amended, SG No. 62/2016, effective 9.08.2016) A disciplinary sanction, with the exception of release from office, shall be stricken one year after being suffered.

(2) (New, SG No. 62/2016, effective 9.08.2016) The disciplinary sanction under Item 5 of Article 308 (1) shall be stricken three years after being suffered.

(3) (Renumbered from Paragraph 2, SG No. 62/2016, effective 9.08.2016) The striking of the disciplinary sanction of release from office of an administrative head or a deputy administrative head shall not be grounds for the reinstatement of the person to the position wherefrom the said person has been released.

(4) (Renumbered from Paragraph 3, amended, SG No. 62/2016, effective 9.08.2016) A disciplinary sanction, with the exception of the release from office on disciplinary grounds, may be stricken even prior to the expiry of the period under Paragraph (1), but not earlier than 6 months after its imposition, by the authority which has imposed it, provided the person on whom it has been imposed has not committed another breach.

(5) (Renumbered from Paragraph 4, SG No. 62/2016, effective 9.08.2016) 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.

(6) (Renumbered from Paragraph 5, SG No. 62/2016, effective 9.08.2016) Deletion shall act *ex nunc*.

#### **Article 327**

(Amended, SG No. 33/2009, supplemented, SG No. 28/2016, amended, SG No. 62/2016, effective 9.08.2016)

(1) The administrative head may draw the attention of judges, prosecutors and investigating magistrates to any breaches committed thereby in the institution and progress of cases or in the working arrangements thereof, of which the said head shall notify the respective chamber of the Supreme Judicial Council.

(2) The respective chamber of the Supreme Judicial Council may draw the attention of

administrative heads and deputy administrative heads to any breaches committed thereby in the working arrangements.

**Article 328**

(Amended, SG No. 33/2009)

Save insofar as this Chapter does not lay down special rules, the rules of the Code of Administrative Procedure shall apply.

**Section II**

**(New, SG No. 62/2016, effective 9.08.2016)**

**Disciplinary Liability of Public Enforcement Agent and of Recording Magistrate**

**Article 328a**

(New, SG No. 62/2016, effective 9.08.2016) (1) A disciplinary sanction shall be imposed on a public enforcement agent and on a recording magistrate for a breach of discipline committed.

(2) A breach of discipline shall be a culpable failure to discharge official duties, consisting in:

1. any systematic failure to keep the deadlines provided for in the procedural laws;
2. any act or omission that unjustifiably delays the proceedings;
3. any action or omission which damages the prestige of the Judiciary or of the appointing authority;
4. any failure to act on recommendations addressed according to the procedure established by Article 270a (3) or Article 286a (3);
5. any failure to discharge other official duties.

(3) Disciplinary liability shall be enforced notwithstanding civil, administrative penalty liability and criminal responsibility, should any such liability or responsibility be provided for.

**Article 328b**

(New, SG No. 62/2016, effective 9.08.2016)

(1) The following disciplinary sanctions may be imposed on a public enforcement agent and on a recording magistrate:

1. reprimand;
2. reduction of the basic labour remuneration by 10 to 20 per cent for a period of six

months to one year;

3. warning of dismissal;

4. dismissal.

(2) Only one disciplinary sanction shall be imposed for one and the same breach of discipline.

**Article 328c**

(New, SG No. 62/2016, effective 9.08.2016) The gravity of the breach, the form of culpability, the circumstances surrounding the commission of the breach and the behaviour of the offender shall be taken into consideration when determining the disciplinary sanction.

**Article 328d**

(New, SG No. 62/2016, effective 9.08.2016)

(1) Disciplinary proceedings shall be instituted by an order of the Minister of Justice within six months from the discovery, but not later than three years from the commission of the breach. After the lapse of the said time limits, disciplinary proceedings shall not be instituted.

(2) Disciplinary proceedings shall be closed within three months from the institution thereof. The expiry of the period shall not be grounds for a lapse of the liability.

(3) Where the breach consists in an omission, the time limits under Paragraph (1) shall begin to run from the discovery thereof. In case of a breach under Item 3 of Article 328a (2), the time limits under Paragraph (1) shall begin to run from the public announcement of the act.

(4) In case of a breach of discipline which also constitutes a criminal offence, established by an enforceable sentence or an enforceable ruling on termination of the criminal proceedings pursuant to Items 2 and 3 of Article 24 (1) and Article 24 (3) of the Criminal Procedure Code, the time limits under Paragraph (1) shall begin to run from the date when such sentence or ruling becomes enforceable.

(5) The periods under Paragraph (1) shall cease to run during the time during which the person is on statutory leave.

**Article 328e**

(New, SG No. 62/2016, effective 9.08.2016)

The imposition of a disciplinary sanction on a public enforcement agent and on a recording magistrate may be proposed by the chairperson of the respective regional or district court, as well as by the Inspector General of the Inspectorate under the Minister of Justice.

**Article 328f**

(New, SG No. 62/2016, effective 9.08.2016)

(1) A disciplinary sanction on a public enforcement agent or on a recording magistrate shall be imposed by the Minister of Justice. Before imposing the sanction, the Minister of Justice shall

hear the person or shall afford thereto an opportunity to submit, within seven days, written explanations or to lodge objections to the proposal made.

(2) Where the person held liable for a breach of discipline has not been heard or written explanations have not been requested therefrom under Paragraph (1), the court shall revoke the disciplinary sanction imposed without examining the case on the merits, unless the person has refused to give explanations or to be heard.

(3) Any facts and circumstances in connection with the disciplinary proceedings may not be disclosed until the order on the imposition of a disciplinary sanction becomes enforceable.

**Article 328g**

(New, SG No. 62/2016, effective 9.08.2016)

Disciplinary sanctions shall be imposed by a reasoned order of the Minister of Justice.

**Article 328h**

(New, SG No. 62/2016, effective 9.08.2016)

A disciplinary sanction shall be considered imposed as from the day of communication of the order of the Minister of Justice to the person held liable for a breach of discipline.

**Article 328i**

(New, SG No. 62/2016, effective 9.08.2016, amended, SG No. 77/2018, effective 1.01.2019)

(1) The order of the Minister of Justice shall be appealable by the person on whom a disciplinary sanction has been imposed and by the proposer before the relevant Administrative Court within 14 days from the communication following the procedure set out in the Administrative Procedure Code.

(2) An appeal shall not stay the enforcement, unless the Administrative Court adjudges otherwise.

(3) The appeal shall be examined by the relevant Administrative Court within two months of being received in court.

(4) The judgement of the relevant Administrative Court shall be subject to appeal on points of law within 14 days after being announced, before a three-member panel of the Supreme Administrative Court and shall be examined by the relevant Administrative Court within two months of receiving the cassation appeal.

**Article 328j**

(New, SG No. 62/2016, effective 9.08.2016)

(1) A disciplinary sanction, with the exception of dismissal, shall be stricken one year after been suffered.

(2) A disciplinary sanction, with the exception of dismissal, may be stricken by the Minister of Justice even before the expiry of the period under Paragraph (1), but not earlier than six months after the imposition thereof, if the person on whom the said sanction has been

imposed has not committed another breach.

(3) An early striking of a disciplinary sanction shall be effected on the initiative of the persons who proposed the imposition thereof.

(4) The striking shall have an effect ex nunc.

**Article 328k**

(New, SG No. 62/2016, effective 9.08.2016)

Save insofar as this Section does not lay down special rules, the rules of the Code of Administrative Procedure shall apply.

## **Chapter Seventeen**

### **COURT VACATION. LEAVES**

**Article 329**

(1) The courts shall be on vacation from 15 July until 1 September.

(2) Prosecutors and investigating magistrates, public enforcement agents and recording magistrates shall not benefit from the court vacation.

(3) The following shall be examined during the court vacation:

1. criminal cases in which detention in custody has been ordered as a precautionary measure to secure the appearance of a person;

2. cases relating to maintenance, to parental rights to children who have not attained majority and to wrongful dismissal;

3. motions for securing actions, for the perpetuation of evidence, for granting permissions and issuing orders under the Family Code, for the appointment of an ad hoc representative;

4. bankruptcy cases;

5. (Amended, SG No. 102/2009, effective 22.12.2009) cases under the Protection against Domestic Violence Act;

6. cases which must be examined within less than one month, as provided by law;

7. (new, SG No. 33/2009) cases relating to child adoption;

8. (renumbered from Item 7, SG No. 33/2009) other cases, at the discretion 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 a sufficient number of court panels and prosecutors for the examination of cases and motions during the court vacation.

**Article 330**

(1) A judge, prosecutor, investigating magistrate, public enforcement agent and recording magistrate shall be entitled to regular paid annual leave of 30 working days and to additional leave of one working for every two years of the length of practice of law.

(2) The aggregate amount of leave under Paragraph (1) may not exceed 60 calendar days.

**Article 331**

(1) A judge, prosecutor, investigating magistrate, public enforcement agent or recording magistrate may be granted unpaid leave.

(2) Unpaid leave of up to 30 working days within a calendar year shall count as length of practice of law.

**Article 332**

(1) A judge, prosecutor, investigating magistrate, public enforcement agent or recording magistrate shall be entitled to leave:

1. for contracting marriage: two working days;
2. upon donating blood: for the day of the examination and blood donation, as well as one day thereafter;
3. upon the death of a parent, child, spouse, brother, sister or relative of the spouse, as well as of other lineal relatives without limitation: two working days;
4. where summoned to court as a party or witness;
5. for the time of training and participation in volunteer units under the Disaster Protection Act.

(2) (Amended, SG No. 20/2012, effective 10.06.2012) A judge, prosecutor, investigating magistrate, public enforcement agent or recording magistrate shall be entitled to unpaid leave when called up for active duty in the volunteer reserve: for the duration of such active duty, including the day of travel and return, and if such active duty in the volunteer reserve continues for more than 15 calendar days, to unpaid leave of two calendar days prior to the departure and two days after the return.

(3) During leaves under Items 1 to 3 of Paragraph (1), the remuneration for the position occupied shall be paid, and under Items 4 and 5 of Paragraph (1) of under Paragraph (2), as provided for in the special laws.

**Article 333**

A judge, prosecutor, investigating magistrate, public enforcement agent or recording magistrate shall be entitled to take leaves for temporary incapacity for work, for pregnancy, child-birth and adoption, for child care, for nursing and feeding an infant, upon the death or serious disease of a parent, under the terms, according to the procedure and in the amounts

provided for in the Labour Code and the Social Insurance Code.

#### **Article 334**

(1) (Amended, SG No. 49/2018) For the duration of attendance of qualification upgrading or retraining training, a judge, a prosecutor, an investigating magistrate, a public enforcement agent, a recording magistrate or a judicial officer shall take paid service leave.

(2) For the duration of an election campaign, during which a judge, prosecutor, investigating magistrate, public enforcement agent and recording magistrate stands for elective office in the bodies of State power, the said magistrate shall take paid or unpaid service leave.

(3) A judge, prosecutor, investigating magistrate, public enforcement agent or recording magistrate, who has been sent for upgrading of the qualification thereof by a judicial authority or the Minister of Justice for more than three months, shall be bound to work in the respective authority for not less than three years after the return thereof. If the person terminates the legal relationship thereof prior to the expiry of the said period, the said person shall reconstitute the full amount of the sum received for the secondment.

#### **Article 335**

A judge, prosecutor, investigating magistrate, public enforcement agent and recording magistrate shall furthermore be entitled to take leaves for training under terms, according to a procedure and in amounts provided for in the Labour Code.

#### **Article 336**

A judge, prosecutor or judicial officer shall use the regular annual paid leave thereof during the court vacation or, where this is not possible, during another time of the year.

#### **Article 337**

At the discretion of the administrative head, a judge, prosecutor, investigating magistrate, public enforcement agent or recording magistrate may not take leave, except upon temporary incapacity for work, before the said magistrate has drafted the instruments thereof and has returned the cases assigned thereto.

#### **Article 338**

The taking of leave, except upon temporary incapacity for work, shall be granted by:

1. the chairperson of the district court: applicable to judges of the regional court, public enforcement agents and recording magistrates;
2. the chairperson of the regional court: applicable to judges of the regional court and the chairpersons of district courts;
3. the chairperson of the military court: applicable to judges of the military court;
4. (new, SG No. 1/2011, effective 4.01.2011) the chairperson of the specialised criminal court: applicable to judges of the said court;
5. (renumbered from Item 4, SG No. 1/2011, effective 4.01.2011) the chairperson of the administrative court: applicable to judges of the administrative court;
6. (renumbered from Item 5, SG No. 1/2011, effective 4.01.2011) the chairperson of the appellate court: applicable to judges of the appellate court and to the chairpersons of regional

courts;

7. (renumbered from Item 6, SG No. 1/2011, effective 4.01.2011) the chairperson of the military appellate court: applicable to judges of the military appellate court and the chairpersons of the military courts;

8. (new, SG No. 1/2011, effective 4.01.2011) the chairperson of the appellate specialised criminal court: applicable to judges of the appellate specialised criminal court and to the chairperson of the specialised criminal court;

9. (renumbered from Item 7, supplemented, SG No. 1/2011, effective 4.01.2011) the Chairperson of the Supreme Court of Cassation: applicable to judges of the Supreme Court of Cassation and to the chairpersons of appellate courts and the military appellate court and the appellate specialised criminal court;

10. (renumbered from Item 8, SG No. 1/2011, effective 4.01.2011) the Chairperson of the Supreme Administrative Court: applicable to judges of the Supreme Administrative Court and of the chairpersons of administrative courts;

10a. (new, SG No. 62/2016, effective 9.08.2016) a district prosecutor: applicable to prosecutors at a district prosecution office;

11. (supplemented, SG No. 33/2009, renumbered from Item 9, SG No. 1/2011, effective 4.01.2011, amended, SG No. 62/2016, effective 9.08.2016) the regional prosecutor: applicable to prosecutors at the regional prosecution office and investigating magistrates at the regional investigation department and the administrative heads of the district prosecution office;

12. (renumbered from Item 10, SG No. 1/2011, effective 4.01.2011, amended, SG No. 62/2016, effective 9.08.2016) the appellate prosecutor: applicable to prosecutors at the appellate prosecution office and to the heads of the regional prosecution offices;

13. (renumbered from Item 11, SG No. 1/2011, effective 4.01.2011) the military regional prosecutor: applicable to prosecutors at the military regional prosecution office and military investigating magistrates;

14. (renumbered from Item 12, SG No. 1/2011, effective 4.01.2011) the military appellate prosecutor: applicable to prosecutors at the military appellate prosecution office and military regional prosecutors;

15. (new, SG No. 1/2011, effective 4.01.2011) the head of the specialised prosecution office: applicable to prosecutors and investigating magistrates at the specialised prosecution office; the head of the appellate specialised prosecution office: applicable to prosecutors at the appellate specialised prosecution office and to the head of the specialised prosecution office;

16. (amended, SG No. 33/2009, renumbered from Item 13, supplemented, SG No. 1/2011, effective 4.01.2011) the Prosecutor General: applicable to prosecutors at the Supreme Cassation Prosecution Office and at the Supreme Administrative Prosecution Office, to appellate prosecutors and the appellate military prosecutor, the head of the appellate specialised prosecution office and the Director of the National Investigation Service;

17. (amended, SG No. 33/2009, renumbered from Item 14, SG No. 1/2011, effective 4.01.2011) the Director of the National Investigation Service: applicable to investigating magistrates at the National Investigation Service.

### **Article 339**

The Labour Code shall apply to any matters unregulated in this Chapter.

## **Chapter Eighteen**

# JUDICIAL AUTHORITIES ADMINISTRATION

## Article 340

(1) (Supplemented, SG No. 1/2011, effective 4.01.2011) In the discharge of the powers thereof, the Supreme Judicial Council, the Inspectorate with the Supreme Judicial Council, the National Institute of Justice and the judicial authorities shall be assisted by an administration.

(2) (Amended, SG No. 33/2009, amended and supplemented, SG No. 1/2011, effective 4.01.2011) The administration of the judicial authorities shall be the administration of the Supreme Court of Cassation, of the Supreme Administrative Court, of the Prosecutor General, of the Supreme Cassation Prosecution Office, of the Supreme Administrative Prosecution Office, of the National Investigation Service, of the courts, of the prosecution offices, of the regional investigation departments, and of the investigation department at the specialised prosecution office.

(3) (Amended, SG No. 1/2011, effective 4.01.2011) The employees at the administration of the Supreme Judicial Council, of the Inspectorate with the Supreme Judicial Council, of the National Institute of Justice and of the judicial authorities shall be judicial officers.

## Article 340a

(New, SG No. 49/2018)

(1) To be eligible for appointment as a judicial officer, a person must:

1. be a Bulgarian citizen, a citizen of another Member State of the European Union, of another State which is a party to the Agreement on the European Economic Area or of the Swiss Confederation;

2. have attained majority;

3. be interdicted;

4. have not been sentenced to deprivation of liberty for a premeditated indictable offence;

5. be not disqualified from occupying a specified position according to the established procedure;

6. satisfy the minimum requirements for completed education and rank or previous professional experience, as well as the specific requirements for occupation of the relevant position as provided for in the statutory instruments.

(2) The following persons shall be ineligible for appointment as judicial officers:

1. any person who would come in a hierarchical relationship of direction and control with a spouse, with a de facto cohabitee therewith, a lineal relative up to any degree of consanguinity, a collateral relative up to the fourth degree of consanguinity inclusive, or an affine up to the fourth degree of affinity inclusive;

2. any person who is a sole trader, an unlimited partner in a commercial corporation, a managing director, a business attorney, a commercial agent, a management agent, a broker, a liquidator or a trustee in bankruptcy, a member of a management or supervisory body of a commercial corporation or cooperative;

3. any person who serves as a municipal councillor;

4. any person who occupies a senior or supervisory position in a political party;

5. any person who is employed under an employment contract with another employer, excluding faculty at higher educational establishments;

6. any person who is a lawyer, notary, private enforcement agent or practises another

liberal profession.

(3) Appointment to managerial positions shall be limited to persons holding a degree of higher education.

(4) In the event of any of the grounds for incompatibility set out in Paragraph (2) occurring, the judicial officer shall be obliged to notify the employer within 7 days.

(5) The employment relationship with a judicial officer shall be terminated without notice in the case of:

1. an obstacle under Paragraph (1) occurring;

2. incompatibility under Paragraph (2); where the incompatibility is under Item 1 of Paragraph (2), the employment relationship shall be terminated with one of the two officers, at the discretion of the employer;

3. failing to discharge the duty under Paragraph (4).

(6) The employer may terminate without notice the employment relationship with a judicial officer who has received the lowest possible annual evaluation of the execution of office, within one month after receipt of the final evaluation.

#### **Article 341**

(Amended, SG No. 33/2009, SG No. 1/2011, effective 4.01.2011, SG No. 28/2016)

(1) After consultation with the Commission on Budget and Finance, the chambers of the Supreme Judicial Council shall issue a Classifier of the Positions in the respective judicial authorities, specifying the names of the positions, the minimum educational level and other requirements for the respective position, the remuneration for the position, a rank for the position and remuneration for a rank.

(2) The number of judicial officers in the judicial authorities shall be determined by the chambers on a motion by the respective administrative head taking into consideration the caseload level of the judicial authority and after consultation with the Commission on Budget and Finance.

(3) The Plenum of the Supreme Judicial Council shall issue a Classifier of the Positions in the Administration of the Supreme Judicial Council and the National Institute of Justice and, after consulting the Inspector General, also of the Inspectorate with the Supreme Judicial Council. The Classifier shall specify the names of the positions, the minimum educational level and other requirements for the respective position, the remuneration for the position, a rank for the position and remuneration for a rank.

(4) The number of judicial officers in the administration of the Supreme Judicial Council and the National Institute of Justice shall be determined by the Plenum of the Supreme Judicial Council on a motion by the respective head. The staff size of the administration of the Inspectorate with the Supreme Judicial Council shall be endorsed by the Inspector General taking into consideration the caseload of the authority and the budget thereof.

#### **Article 342**

(1) (Amended, SG No. 33/2009, SG No. 28/2016) On a motion by each of the chambers, the Plenum of the Supreme Judicial Council shall adopt rules for the administration of the respective judicial authorities.

(2) (Amended, SG No. 33/2009) The rules shall determine the units of the administration, the functional characteristics thereof, the working arrangements at the administration of the judicial authorities, the staffing schedule, the standard job descriptions for judicial officers, the procedure for holding a competition, the incompatibility terms for a judicial officer and the authorities appointing judicial officers.

(3) The rules shall be promulgated in the State Gazette.

#### **Article 343**

(1) A judicial officer, whose activity is associated with the discharge of the powers of authorities under Article 340 (1), shall be appointed after the holding of a competition.

(2) (Supplemented, SG No. 1/2011, effective 4.01.2011) Upon the appointment of a judicial officer to another position at the Supreme Judicial Council, the Inspectorate with the Supreme Judicial Council, the National Institute of Justice or at the same judicial authority, as well as upon the transfer of any such officer, a competition shall not be held.

#### **Article 343a**

(New, SG No. 49/2018)

Upon assumption of position as well as annually by the 15th day of May, each judicial officer shall be obliged to submit to the employer a declaration of assets and interests under Article 35 of the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Act.

#### **Article 344**

The appointing authority shall be bound to provide the judicial officer with the conditions necessary for the discharge of the official duties thereof, as well as for upgrading the qualification thereof or for retraining.

#### **Article 345**

(1) A judicial officer shall be bound to discharge the duties thereof in good faith and accurately, in accordance with the job description thereof.

(2) Additional duties may be assigned to a judicial officer temporarily, for up to 45 working days annually in the interest of the service.

(3) In the interest of the service, a judicial officer shall be bound to discharge the official duties thereof even out of hours.

(4) (Supplemented, SG No. 62/2016, effective 9.08.2016) Upon the discharge of the official duties thereof on non-working days and holidays by order of the respective head, a judicial officer shall receive supplementary remuneration in an amount set by the Plenum of the Supreme Judicial Council.

(5) (New, SG No. 90/2017, effective 1.01.2018) Judicial officers at the appellate specialised criminal court, at the specialised criminal court, at the appellate specialised prosecution office, at the specialised prosecution office and at the investigation department of the specialised prosecution office shall receive supplementary remuneration in an amount fixed according to rules for individual performance assessment, endorsed by the respective chamber of the Supreme Judicial Council, but not more than six basic monthly remunerations per annum.

#### **Article 346**

A judicial officer shall be bound to keep as official secret the information of which the said officer has become aware in the course of work and which affects the interests of citizens, legal persons and the State.

#### **Article 347**

While discharging the official duties thereof and in public life, a judicial officer must behave in a manner not damaging the prestige of the Judiciary.

#### **Article 348**

A judicial officer shall be entitled to basic monthly remuneration set for the position occupied in the amount of 80 per cent of the remuneration of the court administrator.

#### **Article 349**

(1) A rank shall express the level of professional qualification of a judicial officer.

(2) A judicial officer shall be assigned ranks ranging from fifth to first, in an ascending order. Upon initial appointment to the judicial authorities, a judicial officer shall be assigned the lowest rank for the respective position, as specified in the classifier under Article 341.

(3) (Amended, SG No. 29/2019) The terms and procedure for the award of ranks and for the promotion and demotion in rank shall be established by the rules under Article 342 (1).

#### **Article 350**

(Amended, SG No. 62/2016, effective 9.08.2016)

The Supreme Judicial Council shall determine the amount of annual leave for the judicial officer and the amount of the additional paid annual leave for work out of hours and for the discharge of additional duties by the judicial officer.

#### **Article 351**

(1) The compulsory social and health insurance of judicial officers shall be covered by the Judiciary budget.

(2) A judicial officer shall be mandatorily insured against accident for the account of the Judiciary budget.

#### **Article 352**

Judicial officers shall be paid annually a clothing allowance amounting to two average monthly salaries of employees in the public-financed sphere.

#### **Article 353**

When discharging the official duties thereof, a judicial officer shall identify himself or herself by means of an official identity card.

#### **Article 354**

A judicial officer, who has acquired entitlement to contributory-service and retirement-age pension, upon release from office shall be entitled to a lump-sum pecuniary compensation amounting to as many gross monthly remunerations as is the number of years served in the

judicial authorities, 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) Eligibility for appointment as Secretary General of the Supreme Judicial Council shall be limited to persons who meet the requirement of Article 164 (2).

(3) A Secretary General shall be appointed by decision of the Supreme Judicial Council after the holding of a 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 pursuing political purposes, as well as carry out any political activity.

(5) The Secretary General shall:

1. appoint and release the employees 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 amounting to 80 per cent of the remuneration of a judge at the Supreme Court of Cassation.

(7) (Amended, SG No. 1/2011, effective 4.01.2011) The time served as Secretary General of the Supreme Judicial Council shall count as service record under Article 164 (1) to (7).

(8) (Amended, SG No. 28/2016) The units in the administration of the Supreme Judicial Council, the functional characteristics, staffing schedules, the standard job descriptions of the employees and the working arrangements of the administration shall be determined by the rules under Item 15 of Article 30 (2).

#### **Article 356**

(1) The administration of the Inspectorate with the Supreme Judicial Council shall be headed by a Secretary General.

(2) Eligibility for appointment as secretary general shall be limited to persons who meet the requirement of Article 164 (2).

(3) The Secretary General shall be appointed by an order of the Inspector General after the holding of competition.

(4) While in office, the Secretary General of the Inspectorate with the Supreme Judicial Council may not be a member of a political party or coalition, an organisation pursuing political purposes, as well as carry out any political activity.

(5) The Secretary General shall:

1. (amended, SG No. 33/2009) propose to the Inspector General the appointment and release of the employees in the administration of the Inspectorate with the Supreme Judicial Council;

2. manage human resources in the administration of the Inspectorate with the Supreme Judicial Council.

(6) The Secretary General shall receive basic monthly remuneration amounting to 80 per cent of the remuneration of a judge at the Supreme Court of Cassation.

(7) (Amended, SG No. 1/2011, effective 4.01.2011) The time served as Secretary General of the Inspectorate with the Supreme Judicial Council shall count as service record under Article 164 (1) to (7).

(8) (Amended, SG No. 1/2011, effective 4.01.2011, SG No. 62/2016, effective 9.08.2016) The units of the administration of the Inspectorate with the Supreme Judicial Council, the functional characteristics, staffing schedules, the standard job descriptions of the employees and the working arrangements of the administration shall be determined by the rules under Article 55 (8).

#### **Article 357**

(1) (Amended, SG No. 33/2009) The administrations of the Supreme Court of Cassation, the Supreme Administrative Court and of the Prosecutor General shall be headed by secretaries general.

(2) The administrations of the courts and prosecution offices shall be headed by court administrators.

(3) (Amended, SG No. 33/2009) A secretary general and a court administrator shall be appointed after the holding of a competition organised by the administrative head of the respective judicial authority.

(4) (Amended, SG No. 33/2009) The competition shall be held by a commission comprised of three to five members, appointed by a written order of the administrative head of the respective judicial authority for which the 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 pursuing political purposes, as well as carry out any political activity.

(6) The requirements for occupying the position of a secretary general and of a court administrator shall be determined by the rules under Article 342 (1).

(7) (Amended, SG No. 33/2009, SG No. 62/2016, effective 9.08.2016) The secretary general and the court administrator shall:

1. where so empowered by the respective administrative head, represent the court and the prosecution office in the relations on an equal footing with government institutions and private individuals;

2. direct the general and the specialised administration;
3. draw up the staffing schedule of the administration and submit the said schedule for approval to the respective administrative head;
4. implement programme solutions for the purposes of long-term planning, budget policy, finance, automation, equipment supplies and public relations;
5. prepare information, reference briefs and statistics in electronic form, using standard forms and within time limits as endorsed by the Plenum of the Supreme Judicial Council, and submit these to the Supreme Judicial Council and to the Minister of Justice;
6. at the end of each six-month period, prepare and provide the respective administrative head with summarised information about the institution, progress and disposal of case files and cases, information about the instruments that have been conclusively reversed by the upper instances, as well as information about the institution, progress and disposal of case files and cases by public enforcement agents and by recording magistrates;
7. organise the publication of the enforceable instruments on the website of the respective court.
- (8) The secretary general shall receive basic monthly remuneration amounting to 80 per cent of the basic remuneration of a judge at the Supreme Court of Cassation.
- (9) A court administrator shall receive basic remuneration amounting to 80 per cent of the basic remuneration of a judge at the respective court.
- (10) (New, SG No. 1/2011, effective 4.01.2011) The time served as secretary general of the Supreme Court of Cassation, of the Supreme Administrative Court and of the Prosecutor General shall count as service record under Article 164 (1) to (7) for persons holding a university degree in law.

#### **Article 358**

- (1) The activity of the judicial authorities to keep the public informed and to liaise with the mass communication media shall be assisted by press offices.
- (2) (Amended, SG No. 62/2016, effective 9.08.2016) The status, rights and duties of employees at the press offices shall be determined by the rules under Article 55 (8) and Article 342 (1).

#### **Article 358a**

(New, SG No. 1/2011, effective 4.01.2011)

- (1) Judicial officers may be incentivised by a distinction or award for exhibiting a high professional standing, an exemplary discharge of official duties and moral integrity.
- (2) The distinctions shall be:

1. a citation and certificate;
2. promotion in rank ahead of schedule;
- (3) An award not exceeding the amount of the basic monthly remuneration shall be:
  1. cash;
  2. merchandise.
- (4) The distinction may be combined with an award.

**Article 358b**

(New, SG No. 1/2011, effective 4.01.2011)

(1) (Supplemented, SG No. 65/2017) Judicial officers shall be free to establish and be members of organisations which defend the professional interests thereof.

(2) The organisations under Paragraph (1) may not be affiliated to federations and confederations of trade union organisations of factory and office workers.

**Article 359**

The Labour Code shall apply to any matters concerning judicial officers which are not regulated in this Chapter.

**Article 360**

(1) (Repealed, SG No. 62/2016, effective 9.08.2016).

(2) Where a pending case or case file has to be appended to another case, the full set of materials shall be copied, the copies shall be certified by the authority before which the proceeding is pending, and the copy shall be transmitted for appending.

## **Chapter Eighteen A**

**(New, SG No. 62/2016, effective 9.08.2016)**

# **CERTIFYING ACTS AND PROCEDURAL STEPS IN ELECTRONIC FORM**

## **Section I**

**(New, SG No. 62/2016, effective 9.08.2016)**

### **General Rules**

**Article 360a**

(New, SG No. 62/2016, effective 9.08.2016)

The judicial authorities shall perform certifying acts, shall issue instruments and shall

perform all other procedural steps provided for in the law in electronic form.

**Article 360b**

(New, SG No. 62/2016, effective 9.08.2016)

(1) The judicial authorities shall use information systems approved by the Plenum of the Supreme Judicial Council in consultation with the Minister of Justice and the chairperson of the State Agency for Electronic Governance.

(2) The judicial authorities shall use information systems which give uniform time according to the procedure established by the Electronic Government Act.

**Article 360c**

(New, SG No. 62/2016, effective 9.08.2016)

(1) The Plenum of the Supreme Judicial Council, after consultation with the Minister of Justice, shall build and maintain a single e-justice portal.

(2) (Effective 10.08.2019 - SG No. 62/2016) The single e-justice portal shall be an information system which makes it possible:

1. to apply for the performance of certifying acts in electronic form;
2. to perform procedural steps in electronic form;
3. to serve communications and summonses;
4. to access the electronic cases and public registers maintained by the judicial authorities.

(3) The single e-justice portal shall ensure free and public access to the memorandums and statistics on the random selection upon the assignment of cases, which are provided for in a law or in another statutory instrument.

(4) The single e-justice portal may ensure access to other information and functionalities as well.

**Article 360d**

(New, SG No. 62/2016, effective 9.08.2016)

The judicial authorities shall maintain websites within the single e-justice portal.

**Article 360e**

(New, SG No. 62/2016, effective 9.08.2016)

Through the websites thereof, the judicial authorities shall provide unobstructed, direct and uninterrupted electronic access at no charge to the following information:

1. name of the judicial authority;
2. address of the judicial authority;

3. correspondence details, including telephone number and electronic address;

4. telephone on which persons can obtain information on the manner of performing procedural steps in electronic form and help for the necessary technical steps which they must take for this purpose;

5. a unique identifier of the judicial authority;

6. data on bank accounts and modes of payment by electronic means of stamp duty, costs and other obligations to the judicial authorities;

7. other information provided for in a statutory instrument or in an instrument of the Supreme Judicial Council.

**Article 360f**

(New, SG No. 62/2016, effective 9.08.2016)

(1) The Plenum of the Supreme Judicial Council, after consultation with the Minister of Justice and with the chairperson of the State Agency for Electronic Governance, shall issue an ordinance determining:

1. the requirements to the websites of the judicial authorities;

2. the technical requirements for the performance of procedural steps and certifying acts in electronic form and the ways to perform them;

3. the formats and the technical requirements which must be met by the electronic documents sent to and by the judicial authorities, as well as the way such documents are submitted by citizens and organisations;

4. the formats of scanned documents and of other electronic evidence stored in electronic cases;

5. the modes of payment by electronic means of stamp duty, costs and other obligations to the judicial authorities;

6. the technical requirements to the user, machine and other interfaces of the information systems used by the judicial authorities;

7. the electronic addresses wherefrom the judicial authorities can send electronic acts, depending on the established ways of performing procedural steps and certifying acts.

(2) The ordinance under Paragraph (1) shall be published on the websites of the Supreme Judicial Council and of the Ministry of Justice and on the single e-justice portal.

**Article 360g**

(New, SG No. 62/2016, effective 10.08.2019)

(1) The acts and instruments submitted to the judicial authorities in hard copy, as well as all documents and information in hard copy, shall be entered into the information system of the judicial authorities by means of an electronic image captured in a form and in a way allowing the reproduction thereof.

(2) The documents and information presented in soft copy, submitted by electronic means or entered into the information system of the judicial authorities, shall be processed and stored in a way guaranteeing protection against errors, forging and loss.

(3) The full and accurate correspondence of the electronic image as captured to the original which is being captured, as well as to the electronic information as entered, shall be certified by employees designated by the administrative head of the judicial authority, the employee shall effect the certification by affixing a signature to the hard copy and shall certify the electronic images entered by signing the said images using an electronic signature.

(4) Until otherwise proven, the electronic documents and the information created in the way specified in Paragraph (1) shall be presumed to be identical with the documents presented or, respectively, with the electronic documents and information entered under Paragraph (2).

(5) The documents and data mediums presented shall be returned to the sender immediately after being entered into the system.

(6) The Plenum of the Supreme Judicial Council shall make it technologically and technically possible for the judicial authorities to perform the steps under Paragraphs (1) and (2).

#### **Article 360h**

(New, SG No. 62/2016, effective 9.08.2016)

(1) (Effective 10.08.2019 - SG No. 62/2016) Upon the performance of a procedural step which sets the beginning of a separate proceeding, an electronic case shall be instituted in the information system of the judicial authority.

(2) An electronic case shall be a totality of linked electronic entries in the information system of the judicial authority, which contains all electronic documents and information created or provided by the participants in the proceeding and the judicial authorities in connection with procedural rights exercised or certifying acts, all electronic documents and evidence under Article 360g and other data processed by the judicial authority in connection with the proceeding.

(3) The judicial authorities shall ensure the storage of evidence for which the physical medium is legally relevant, as well as such which, owing to the nature thereof, cannot be converted into electronic form according to the procedure established by Article 360g.

(4) The judicial authorities shall afford the persons, who are entitled to access the cases, remote uninterrupted access at no charge by electronic means to the electronic cases, as well as technologies and means of access to the electronic cases on the premises whereon the

administrations thereof are located. The said persons shall furthermore be afforded access to the evidence under Paragraph (3).

(5) The judicial authorities shall ensure the maintenance and storage of electronic cases in a way preventing the accidental or unlawful destruction of data therefrom and precluding unauthorised access, alteration or distribution. In respect of each electronic case, information shall be stored about the persons and the electronic addresses wherefrom the case is accessible, the time for access, as well as the steps performed in the case in the information system of the judicial authorities.

(6) The judicial authorities shall ensure, through designated employees of the administrations thereof, assistance to persons who request access to the electronic cases.

(7) All or part of an electronic case may be reproduced in the requisite number of documents in hard copy having the effect of official duplicate copies after certification by an employee empowered by the administrative head of the respective judicial authority. A fee as for a duplicate copy shall be collected for the reproduction.

(8) At the request of persons entitled to access the case, the judicial authorities shall provide them an uncertified copy of all or part of the electronic case reproduced in hard copy. A fee as for a duplicate copy shall be collected for the reproduction.

(9) No fee under Paragraph (7) and (8) shall be due in the cases of exemption under Article 83 of the Code of Civil Procedure, as well as in other cases provided for in a law.

#### **Article 360i**

(New, SG No. 62/2016, effective 9.08.2016)

The arrangements and procedure for the conduct, storage and access to electronic cases and the manner of storing evidence and means of proof in the cases, as well as the internal circulation and storage of other information processed by the court administration, shall be established by an ordinance adopted by the Plenum of the Supreme Judicial Council after consultation with the Minister of Justice.

#### **Article 360j**

(New, SG No. 62/2016, effective 9.08.2016)

The Plenum of the Supreme Judicial Council shall adopt rules laying down the internal procedure for the use of an electronic signature and electronic identification by the judicial authorities.

## **Section II**

**(New, SG No. 62/2016, effective 9.08.2016)**

### **Exchange of Electronic Documents**

#### **Article 360k**

(New, SG No. 62/2016, effective 9.08.2016)

(1) The judicial authorities shall exchange among them electronic cases and electronic documents automatically and by electronic means in conditions of interoperability and information security.

(2) The judicial authorities shall be bound to use uniform standards and rules defined in the ordinance under Article 360f (1), establishing technological and functional parameters which are supported by the information systems thereof in order to achieve interoperability and information security.

(3) The requirements for interoperability and information security, including the requirements for interfaces, exchange standards, formats of the electronic documents transmitted and mode of exchange, shall be determined by the ordinance under Article 360f (1).

#### **Article 360l**

(New, SG No. 62/2016, effective 10.08.2019)

(1) The judicial authorities shall exchange electronic documents automatically and by electronic means with the persons implementing public functions, with the organisations providing public services, and with the administrative authorities according to the Electronic Government Act.

(2) The persons, organisations and administrative authorities under Paragraph (1) shall be bound to provide internal electronic administrative services to the judicial authorities.

(3) The rules regarding the interoperability and secure exchange of electronic documents under Paragraphs (1) and (2) shall be laid down by the ordinance under Article 360f (1).

### **Section III**

**(New, SG No. 62/2016, effective 9.08.2016)**

## **Register of Courts' Instruments**

#### **Article 360m**

(New, SG No. 62/2016, effective 9.08.2016)

(1) The register of courts' instruments, hereinafter referred to as "the register", shall be an electronic database containing the instruments which put an end to the proceeding before the respective instance or are subject to self-contained appellate review.

(2) The register shall be part of the single information system of the courts and shall be kept and stored in a way guaranteeing the integrity, accessibility and security of the information contained therein.

#### **Article 360n**

(New, SG No. 62/2016, effective 10.02.2017)

(1) The instruments shall be made public in the register and other notations shall be made in the cases provided for by the law.

(2) Each court shall immediately make public the instruments thereof in the register.

(3) The instruments whereby a secret protected by the law is disclosed and the reasons thereof and other instruments determined by the Plenum of the Supreme Judicial Council shall not be subject to being made public in the register.

**Article 360o**

(New, SG No. 62/2016, effective 10.02.2017)

When a subsequent instrument related to a preceding instrument of the same authority is made public, the link between the two instruments shall be shown in the register.

**Article 360p**

(New, SG No. 62/2016, effective 10.02.2017)

Making public shall be effected by means of sequential entering into the register of the data contained in the relevant instrument.

**Article 360q**

(New, SG No. 62/2016, effective 10.02.2017)

(1) The participants in the proceeding and persons empowered thereby or by law shall have access to the instruments made public in the register.

(2) (Amended, SG No. 17/2019) Everyone shall have the right to free access at no charge to the instruments made public in the register in conformity with the requirements for personal data protection.

**Article 360r**

(New, SG No. 62/2016, effective 10.02.2017)

The Plenum of the Supreme Judicial Council and the Minister of Justice shall adopt an ordinance on the keeping, storage and access to the register.

## **Chapter Nineteen**

### **JUDICIARY BUDGET**

**Article 361**

(1) The self-contained Judiciary budget shall be a part of the State budget.

(2) The Judiciary budget shall consist of the budgets of the Supreme Judicial Council, the Inspectorate with the Supreme Judicial Council, the judicial authorities which are legal persons, and of the National Institute of Justice.

(3) (Amended, SG No. 33/2009, supplemented, SG No. 62/2016, effective 1.01.2018 - amended, SG No. 76/2016, effective 9.08.2016; amended, SG No. 90/2017, effective 1.01.2018) The Judiciary budget shall include all revenues from the operation of the judiciary authorities and of the National Institute of Justice, the expenses on the maintenance of the judiciary authorities, of the Inspectorate at the Supreme Judicial Council and of the National Institute of Justice, with the exception of expenses that by virtue of this Act are determined under the budget of the Ministry of Justice, the interrelations with the central budget and other budgets and the

funding of the budget balance.

(4) (New, SG No. 33/2009) Any revenue underperformance on the Judiciary budget for the relevant year shall be for the account of unspent balances from the previous year and an additional subsidy from the central-government budget.

**Article 362**

(Amended, SG No. 33/2009, SG No. 28/2016)

The Minister of Justice shall propose a draft Judiciary budget and shall lay the said draft for discussion before the Plenum of the Supreme Judicial Council.

**Article 363**

The draft Judiciary budget shall be accompanied by estimates for the two succeeding years.

**Article 364**

(1) (Supplemented, SG No. 28/2016) The Council of Ministers shall lay before the National Assembly the draft State Budget of the Republic of Bulgaria Act for the respective year together with the draft annual Judiciary budget as proposed by the Plenum of the Supreme Judicial Council, with a detailed justification.

(2) (Amended, SG No. 15/2013, effective 1.01.2014, supplemented, SG No. 28/2016) When adopting the State budget, the National Assembly shall hear a report of the Plenum of the Supreme Judicial Council, presented by a representative of the said Council.

(3) The National Assembly shall adopt the Judiciary budget as allocated to the Supreme Judicial Council, the Inspectorate with the Supreme Judicial Council, the judicial authorities and the National Institute of Justice.

**Article 365**

(Amended, SG No. 33/2009, SG No. 28/2016)

The Plenum of the Supreme Judicial Council shall organise the implementation of the Judiciary budget through the Inspectorate with the Supreme Judicial Council, the Supreme Court of Cassation, the Supreme Administrative Court, the courts, the Prosecutor General and the National Institute of Justice.

**Article 366**

(1) (Amended, SG No. 28/2016) The Plenum of the Supreme Judicial Council shall draw up an annual report on the cash implementation of the Judiciary budget based on a full budget classification, which shall 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) (Supplemented, SG No. 28/2016) Every year, together with the report on the implementation of the State budget, the Council of Ministers shall lay before the National Assembly the report on the implementation of the Judiciary budget adopted by the Plenum of the Supreme Judicial Council, accompanied by a detailed justification.

**Article 367**

The Supreme Judicial Council shall organise the development and ensure the functioning

of a financial management and control system in the judicial authorities, as well as the internal audit of the absorption and management of on-budget resources.

## **Chapter Twenty**

# **INTERACTION BETWEEN JUDICIARY AND 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 the powers thereof as defined in the Constitution through the activities provided for in this Act.

#### **Article 370**

(1) The judicial authorities and the Supreme Judicial Council shall interact with the executive authorities in the following areas:

1. court activity;
2. drafting statutory instruments of primary and secondary legislation related to the judicial system and to the activities falling within the competence of the Minister of Justice;
3. professional qualification;
4. information technology;
5. (amended, SG No. 109/2008) combating crime;
6. managing the property of the Judiciary;
7. activities in connection with the drafting of a Judiciary budget;
8. security and protection;
9. activities in connection with public and private enforcement agents, with notaries, with recording magistrates and with trustees-in-bankruptcy;
10. international cooperation.

(2) The functions and working arrangements of the respective structural units at the

Ministry of Justice shall be determined by this Act and in by the Rules of Organisation of the Ministry of Justice.

**Article 371**

(Repealed, SG No. 109/2008).

## **Section II**

### **Inspectorate under Minister of Justice**

**Article 372**

(Amended, SG No. 1/2011, effective 4.01.2011) (1) There shall be an Inspectorate under the Minister of Justice that shall:

1. inspect the work of public and private enforcement agents, of recording magistrates, including the institution, progress and disposal of enforcement cases, registry cases, and summarise and analyse the relevant case-law;

2. (repealed, SG No. 62/2016, effective 9.08.2016);

3. inspect the work of registrars under the Commercial Register Act;

4. inspect and analyse the work of notaries together with notary inspectors;

5. assist the Minister of Justice in the exercise of the powers thereof in drawing up proposals for the adoption of interpretative judgments or interpretative decrees, as well as in drawing up opinions on proposals made for the adoption of interpretative judgment or interpretative decrees;

6. exercise current control over the proper organisation and conduct of internships for a licence to practise law and take part in the conduct of the examination for a licence to practise law;

7. (repealed, SG No. 62/2016, effective 9.08.2016);

8. organise and coordinate the monitoring on the implementation of statutory instruments related to the Judiciary and draw up periodic reports to the Minister of Justice summarising the results of the monitoring;

9. (new, SG No. 62/2016, effective 9.08.2016) inspect the work of trustees-in-bankruptcy under the Commerce Act;

10. (renumbered from Item 9, SG No. 62/2016, effective 9.08.2016) carry out other inspections as well, assigned by the Minister of Justice.

(2) Inspections under Items 1 to 4 of Paragraph (1) shall be carried out under a plan endorsed by the Minister of Justice.

**Article 373**

(Amended, SG No. 17/2019) Officials shall be bound to cooperate with the inspectors of the Inspectorate under the Minister of Justice in the discharge of the functions thereof and to afford them access to the materials in conformity with the requirements of the Classified Information Protection Act and the requirements for personal data protection.

**Article 374**

(Amended, SG No. 1/2011, effective 4.01.2011, SG No. 50/2012) (1) The Inspectorate under the Minister of Justice shall consist of inspectors headed by an Inspector General.

(2) (Amended, SG No. 62/2016, effective 9.08.2016) The Inspector General and the inspectors shall be appointed by the Minister of Justice on the basis of a competition under the Labour Code.

(3) Eligibility for appointment as an Inspector General shall be limited to persons who have practised law for at least ten years, and eligibility for appointment as an inspector shall be limited to persons who have practised law for at least five years.

(4) The remuneration of the Inspector General shall equal the remuneration of a judge at a regional court, while the remuneration of inspectors shall equal the remuneration of a judge at a district court.

(5) (Repealed, SG No. 62/2016, effective 9.08.2016).

#### **Article 375**

(Amended, SG No. 1/2011, effective 4.01.2011, SG No. 50/2012)

(1) Upon release from office of an Inspector General or of an inspector, the person shall be reinstated to the position held prior to such appointment, if the said person has worked in the judicial authorities.

(2) (Supplemented, SG No. 28/2016) In order to be reinstated under Paragraph (1), the person concerned shall submit, within 14 days from the release thereof, a request to the respective chamber of the Supreme Judicial Council or to the Minister of Justice: applicable to a public enforcement agent or a recording magistrate.

(3) The time served as Inspector General or inspector at the Inspectorate under the Minister of Justice shall count as service record under Article 164 (1) to (7).

#### **Article 376**

The Labour Code shall apply to any matters unregulated in this Section with regard to the inspectors at the Inspectorate under the Minister of Justice.

## **Section III**

### **Court Statistics. Information Systems**

#### **Article 377**

(Amended, SG No. 33/2009)

The Supreme Judicial Council shall provide the National Institute of Statistics with statistical data for publication, in accordance with the Statistics Act.

#### **Article 377a**

(New, SG No. 50/2012, repealed, SG No. 62/2016, effective 9.08.2016).

#### **Article 378**

(Amended, SG No. 33/2009)

(1) The integrated information system for combating crime (IISCC) shall be a totality of automated information systems and shall consist of a central component (core) of the system, linked to the systems of the Judiciary and of the Executive, which shall process information

about events and items and, taken as a whole, shall provide integrated information support to the activities of combating crime.

(2) The judicial authorities, the Ministry of Interior, the State Agency for National Security, the Ministry of Defence, the Ministry of Justice and the Ministry of Finance, in conformity with the requirements of Paragraph (3), shall establish, maintain, use and develop intra-agency information systems which shall be part of the IISCC or shall exchange information therewith.

(3) The authorities under Paragraph (2) shall provide financing from the budgets thereof for the building, maintenance, use and development of the intra-agency components of the IISCC.

(4) The procedure and method for the building, maintenance, use and development of the IISCC, as well as for the interaction between the authorities and institutions under Paragraph (2) in order to ensure the functioning of the system, shall be established by an ordinance issued by the Council of Ministers on a proposal by the Minister of Justice.

(5) The authorities and institutions whereof the automated information systems are linked to the IISCC shall be bound to provide the information needed for the functioning of the said system.

#### **Article 379**

(1) (Amended, SG o. 33/2009) The prosecuting magistracy shall build, maintain, use and develop the IISCC core.

(2) (Amended, SG No. 33/2009) The prosecuting magistracy shall build and develop communication components that will link 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 whereof the automated information systems are linked to the IISCC core shall be bound to provide the information needed for the functioning of the IISCC.

#### **Article 380**

(Repealed, SG No. 33/2009).

#### **Article 381**

(Repealed, SG No. 33/2009).

#### **Article 382**

(Repealed, SG No. 33/2009).

#### **Article 383**

(Amended, SG No. 33/2009)

(1) Methodological guidance with regard to the IISCC shall be provided by an Interagency Board.

(2) The complement and operation of the Interagency Board shall be determined by the ordinance under Article 378 (4).

#### **Article 384**

(1) Access to the data contained in the IISCC shall be limited to:

1. officials who, by virtue of a law, exercise powers in the criminal procedure and in the implementation of penal sanctions;

2. persons who have been granted access by the judicial authorities and by the ministries under Article 378 (2);

3. persons designated by a decision of the Interagency Board.

(2) Access to data contained in the IISCC shall be afforded to persons other than those under Paragraph (1) with the advance written consent of the person whose data are entered in the IISCC national database.

(3) A public access contour may be opened to the IISCC core, which contains data specified by law.

#### **Article 385**

(Amended, SG No. 33/2009)

(1) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, SG No. 17/2019) Information support for the activities of the Judiciary shall be provided by the Supreme Judicial Council with the assistance of the Ministry of Finance, the Ministry of Regional Development and Public Works (by affording the judicial authorities access to the Population National Database), the National Statistical Institute and the Bulgarian Standardisation Institute, including by providing personal data in electronic form or by remote access to a database, in conformity with the requirements for personal data protection.

(2) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The procedure and method for providing assistance under Paragraph (1) by the Ministry of Regional Development and Public Works by affording access to the Population National Database shall be established by an ordinance of the Minister of Justice and the Minister of Regional Development and Public Works.

#### **Article 386**

(Repealed, SG No. 33/2009, new, SG No. 50/2012)

(1) There shall be a Central Conviction Status Record Office at the Ministry of Justice. The Central Conviction Status Record Office shall perform the obligations of a central authority that exchanges information with the central authorities of other Member States of the European Union as regards enforceable convictions of Bulgarian and foreign nationals entered in the conviction status registers in accordance with national legislation.

(2) The Central Conviction Status Record Office shall collect, store and update the conviction status data under Paragraph (1) by exchanging information with the conviction status record offices at the district courts and with the central authorities of other Member States of the European Union, as well as with systems of the European Union and of international organisations.

(3) For the transmission and receipt by electronic means of the information under Paragraph (1), the Ministry of Justice shall create and maintain a Central Conviction Status Database information system.

(4) The functions and the operational arrangements of the Central Conviction Status Record Office, the conditions for building the Central Conviction Status Database, the maintenance and functioning thereof, as well as the exchange of information under Paragraph (2), shall be regulated by the ordinance under Article 77 (4).

(5) (Amended, SG No. 17/2019) Personal data stated in the requests for information on conviction status and in the responses thereto shall be processed in accordance with the requirements for personal data protection for the purposes and on the grounds for which the data was requested.

## **Section IV**

### **Judiciary Property Management**

#### **Article 387**

(Amended, SG No. 33/2009, SG No. 28/2016)

The Plenum of the Supreme Judicial Council shall organise the management of the property of the Judiciary.

#### **Article 388**

(1) (Amended, SG No. 28/2016) The Plenum of the Supreme Judicial Council shall allocate the use of immovable properties provided to the Judiciary among its separate authorities thereof and may assign the administrative heads of the said authorities with stewarding the said properties.

(2) (Supplemented, SG No. 33/2009, amended, SG No. 28/2016) The financial resources for construction and overhaul of the immovable properties, as well as the financial resources for obligations arising from the ownership of the said properties: taxes, fees, rent, insurance and revaluations, shall be covered by the Judiciary budget.

#### **Article 389**

(Supplemented, SG No. 33/2009) The intended use of the immovable properties provided for the needs of the Judiciary may not be altered without the consent of the judicial authorities.

#### **Article 390**

(Amended, SG No. 33/2009)

(1) The financial resources for the acquisition, stewarding and management of movable things shall be covered by the Judiciary budget.

(2) (Amended, SG No. 28/2016) The Plenum of the Supreme Judicial Council may transfer the management of movable things from one judicial authority to another with the consent of the administrative heads of the authorities concerned.

## **Section V**

# Security and Protection

## Article 391

(1) (Amended, SG No. 33/2009, supplemented, SG No. 49/2018) A Security Directorate General exists with the Minister of Justice; it carries out the activity of protection of the judiciary authorities, of the buildings of the Ministry of Justice intended for the central administration, as well as of the building of the Headquarters of the Registry Agency.

(2) (Amended, SG No. 33/2009, SG No. 15/2013, effective 1.01.2014) The Security Directorate General shall be a legal person seated in Sofia under the Minister of Justice.

(3) (New, SG No. 33/2009) The Security Directorate General shall:

1. (supplemented, SG No. 49/2018) organise and implement the protection of the court buildings and the buildings of the Ministry of Justice intended for the central administration, as well as of the building of the Headquarters of the Registry Agency;

2. (amended, SG No. 49/2018) ensure order in the court buildings and the security of the judicial authorities in exercising their powers, as well as order and security in the buildings of the Ministry of Justice intended for the central administration and in the building of the Headquarters of the Registry Agency;

3. (amended, SG No. 1/2011, effective 4.01.2011, amended and supplemented, SG No. 62/2016, effective 9.08.2016) organise and implement the protection of judges, prosecutors and investigating magistrates under terms and according to a procedure established by an ordinance of the Minister of Justice, in consultation with the Plenum of the Supreme Judicial Council;

4. (amended, SG No. 1/2011, effective 4.01.2011) render assistance to the judicial authorities in summoning persons in the cases when the fulfilment of this obligation is obstructed;

5. coerce the appearance of persons before a judicial authority, where this has been decreed by a judicial authority;

6. escort accused parties and defendants in respect whereof detention in custody is requested or has been decreed as a precautionary measure to secure the appearance thereof, or persons serving sentences at the places of deprivation of liberty, to the judicial authorities;

7. carry out orders of a prosecutor to execute enforceable sentences imposing a penal sanction of deprivation of liberty and, if necessary, seek assistance from the authorities of the Ministry of Interior;

8. (supplemented, SG No. 49/2018) perform inspections and control compliance with the rules and standards for security and safety in the design, construction and operation of buildings of the judiciary, as well as in the construction and operation of the buildings of the Ministry of Justice intended for the central administration and of the building of the Headquarters of the Registry Agency;

9. coordinate projects and give opinions on the commissioning of Judiciary buildings with regard to security and safety;

10. for the needs of the activity thereof, build and maintain information bases, collecting, processing, storing and using therein information obtained in the course of, or in connection with, the discharge of the functions thereof;

11. receive information related to the discharge of the functions thereof from the Ministry of Interior.

(4) (New, SG No. 1/2011, effective 4.01.2011, supplemented, SG No. 62/2016, effective

9.08.2016, amended, SG No. 49/2018) When carrying out the activities under Items 1 to 7 of Paragraph (3), the Security Directorate General shall interact as necessary with the administrative heads of the judicial authorities, with the Plenum of the Supreme Judicial Council, with the Protection Bureau under the Prosecutor General and with the Executive Director of the Registry Agency.

(5) (Renumbered from paragraph 3, SG No. 33/2009, renumbered from paragraph 4, SG No. 1/2011, effective 4.01.2011, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, supplemented, SG No. 62/2016, effective 9.08.2016, amended, SG No. 49/2018) The rules and standards of safety and security in the design, construction, reconstruction, overhaul, repair, refurbishment and operation of buildings of judiciary authorities, as well as of buildings of the Ministry of Justice used by the central administration and of the building of the Headquarters of the Registry Agency shall be established by an ordinance of the Minister of Justice in consultation with the Minister of Regional Development and Public Works and with the Plenum of the Supreme Judicial Council.

(6) (Renumbered from paragraph 4, amended, SG No. 33/2009, renumbered from paragraph 5, SG No. 1/2011, effective 4.01.2011) The type of information under Item 11 of Paragraph (3) and the procedure for the provision of the said information shall be determined by an ordinance issued jointly by the Minister of Justice and the Minister of Interior.

(7) (New, SG No. 33/2009, renumbered from paragraph 6, SG No. 1/2011, effective 4.01.2011) The structure and operation of the Security Directorate General shall be regulated by rules issued by the Minister of Justice.

#### **Article 392**

In the exercise of the powers thereof, the officers of the Security Directorate General shall be bound to respect the dignity of citizens and the rights and legitimate interests thereof.

#### **Article 393**

(Amended, SG No. 33/2009) (1) (Amended, SG No. 53/2014) In the discharge of its functions under Article 391 (3), the personnel of the Security Directorate General shall have the rights and duties under Article 64 (1), (2), (4) and (5), Articles 65, 66, 70, Articles 72 to 74, Articles 76, 80, 91 and Article 81 in the cases under Items 1, 4 and 5 of Article 70 (1), Articles 85, 86, Article 87 (1), (2), (5) to (7) and Article 100 of the Ministry of Interior Act, and under Decree No. 904 on Combating Petty Hooliganism.

(2) (Amended, SG No. 53/2014) The provisions of Part Three, Chapters Seven to Twelve of the Ministry of Interior Act shall apply to the personnel of the Security Directorate General.

#### **Article 394**

Citizens and officials shall be bound to cooperate with the officers of the Security Directorate General in the discharge of the duties thereof, inter alia by providing them with information and documents, subject to safeguarding State, official and trade secrets and respecting the confidentiality of personal data.

## **Chapter Twenty-one**

### **EXPERT WITNESSES AND INTERPRETERS**

#### **(Title supplemented, SG No. 21/2014)**

## **Article 395**

(1) An expert witness shall carry out expert examinations.

(2) All State bodies, legal persons and citizens in possession of any materials necessary for an expert assessment shall be bound to afford the expert witness access to the said materials in accordance with the level of access to classified information granted to the said expert witness, as well as to cooperate as necessary for the fulfilment of the tasks of the expert examination.

### **Article 395a**

(New, SG No. 21/2014) In civil, criminal or administrative proceedings, an interpreter shall be appointed when so provided for in a law.

## **Article 396**

(1) (Amended, SG No. 1/2011, effective 4.01.2011, supplemented, SG No. 21/2014) An expert witness shall be appointed by the authority assigning the expert examination from the respective list of experts endorsed as expert witnesses. An interpreter shall be appointed from the respective list of experts endorsed as interpreters.

(2) (Supplemented, SG No. 21/2014) Where necessary, an expert who is not included in the respective list may also be appointed as an expert witness or interpreter.

(3) If the research is complicated or multi-disciplinary, the authority may appoint multiple expert witnesses.

(4) In the discharge of the functions thereof, the expert witness shall identify himself or herself by a certificate issued by the authority that ordered the expert examination.

## **Article 397**

(Supplemented, SG No. 21/2014)

A person, who is interested in the outcome of the proceedings or has relations with any of the parties to the case that give rise to reasonable doubts about the impartiality thereof, may not be appointed as an expert witness to carry out an expert examination or as an interpreter.

## **Article 398**

(1) (Amended, SG No. 1/2011, effective 4.01.2011, supplemented, SG No. 21/2014) Lists of experts endorsed as expert witnesses and as interpreters shall be compiled for each judicial district of a regional court and of an administrative court, as well as for the specialised criminal court.

(2) The Supreme Court of Cassation, the Supreme Administrative Court, the Supreme Cassation Prosecution Office, the Supreme Administrative Prosecution Office and the National Investigation Service shall, where necessary, endorse separate lists for the needs of the operation thereof.

(3) (Supplemented, SG No. 21/2014) Where the needs of the respective judicial authority so require, the said authority may appoint an expert witness or an interpreter from the lists of other judicial districts.

(4) The lists under Paragraphs (1) and (2) shall be public.

## **Article 399**

(1) (Supplemented, SG No. 21/2014) Ministries, central-government departments, institutions, municipalities, professional and other organisations and scientific institutes shall propose the inclusion of experts in the lists of expert witnesses and interpreters.

(2) (Supplemented, SG No. 21/2014) The experts themselves may also propose the inclusion thereof in the lists of expert witnesses and interpreters.

(3) (Amended, SG No. 1/2011, effective 4.01.2011) Proposals for inclusion on the lists under Article 398 (1) shall be addressed to the chairperson of the respective court.

(4) Proposals for inclusion on the lists under Article 398 (2) shall be addressed to each administrative head of the judicial authority concerned.

#### **Article 400**

(1) (Supplemented, SG No. 21/2014) The proposals shall state the forename, patronymic and surname of the expert, the home address thereof, a contact telephone and data on the educational attainment, specialist qualification, workplace, position held, length of employment service, length of service as an expert witness or interpreter and additional qualification.

(2) The circumstances under Paragraph (1) shall be certified by the appropriate documents, which shall accompany the proposal.

#### **Article 401**

(1) (Amended, SG No. 33/2009, SG No. 1/2011, effective 4.01.2011) The lists under Article 398 (1) shall be endorsed by a commission composed of: the chairperson of the appellate court or a judge thereby designated, the chairperson of the appellate specialised criminal court or a judge thereby designated, the appellate prosecutor or a prosecutor thereby designated, the head of the appellate specialised prosecution office or a prosecutor thereby designated, the chairperson of the regional court, the chairperson of the specialised criminal court, the regional prosecutor, the head of the specialised prosecution office, and the chairperson of the administrative court.

(2) (Amended, SG No. 33/2009) The lists under Article 398 (2) shall be endorsed by a commission composed of the Chairperson of the Supreme Court of Cassation, the Chairperson of the Supreme Administrative Court and the Prosecutor General.

(3) The endorsed lists shall be transmitted to the Minister of Justice for promulgation in the State Gazette and for publication on the Internet.

#### **Article 402**

(1) (Supplemented, SG No. 21/2014) Proposals for modifications and additions to the endorsed lists of expert witnesses and interpreters may be made until the end of September of the respective calendar year.

(2) The commissions under Article 401 (1) and (2) shall update the lists at or before the end of October.

(3) On or before 15 November, the lists shall be transmitted to the Minister of Justice for promulgation in the State Gazette and for publication on the Internet.

(4) The lists may also be modified in the course of the current year.

#### **Article 403**

(1) (Amended, SG No. 50/2012, supplemented, SG No. 62/2016, effective 9.08.2016) The Minister of Justice in concert with the Supreme Judicial Council shall issue an Ordinance concerning:

1. the Minister of Justice, in consultation with the Plenum of the Supreme Judicial Council, shall issue an ordinance on:

1. the procedure and time limits for making proposals for inclusion and modifications of the lists of experts endorsed as expert witnesses;

2. the conditions that the experts endorsed as expert witnesses must fulfil;

3. the terms and procedure for setting the remuneration of expert witnesses;

4. (new, SG No. 59/2010, effective 1.01.2011, repealed, SG No. 45/2011, effective 14.06.2011).

(2) (New, SG No. 21/2014, supplemented, SG No. 62/2016, effective 9.08.2016) The Minister of Justice, in consultation with the Plenum of the Supreme Judicial Council, shall issue an ordinance on:

1. the procedure and time limits for making proposals for inclusion and modifications of the lists of experts endorsed as interpreters;

2. the conditions that the experts endorsed as interpreters must fulfil;

3. the terms and procedure for setting the remuneration of interpreters.

(3) (Renumbered from Paragraph 2, amended, SG No. 21/2014) The ordinances under Paragraphs (1) and (2) shall be promulgated in the State Gazette.

#### **Article 403a**

(New, SG No. 45/2011, effective 14.06.2011, supplemented, SG No. 62/2016, effective 9.08.2016)

The terms and procedure for the conduct of forensic medical, forensic psychiatric and forensic psychological examinations, including for the payment of the costs to medical treatment facilities, shall be established by an ordinance issued by the Minister of Justice, the Minister of Interior and the Minister of Health, in consultation with the Plenum of the Supreme Judicial Council.

## **Chapter Twenty-two**

### **ADMINISTRATIVE PENALTY PROVISIONS**

#### **Article 404**

(1) Any head of a central or local government administration, of an organisation or an employer, who fails to grant service leave to a person summoned to sit as a court assessor or who obstructs the sitting thereof in court proceedings, shall be liable to a fine of BGN 300 or

exceeding this amount but not exceeding BGN 600.

(2) The fine shall be imposed by the chairperson of the court and may be revoked according to the procedure established by the Code of Civil Procedure.

**Article 405**

(1) Any person, who fails to comply with an order of a judge, prosecutor, investigating magistrate, public enforcement agent or recording magistrate, issued in accordance with the respective procedure pursuant to this Act, shall be liable to a fine of BGN 50 or exceeding this amount but not exceeding BGN 2,000, unless liable to a severer sanction.

(2) The fine shall be imposed by an order or warrant after the person has been afforded an opportunity to give explanations in connection with the breach.

(3) The judge, prosecutor, investigating magistrate, public enforcement agent or recording magistrate who has imposed the sanction may revoke or reduce the fine, acting on an appeal by the sanctioned person lodged within seven days from the communication.

(4) (Amended, SG No. 33/2009) The decision or warrant on the appeal shall be appealable according to the procedure established by the Administrative Violations and Sanctions Act.

**Article 406**

Any person, who fails to comply with an order of an officer at the Security Directorate General of the Ministry of Justice, issued in the discharge of the functions thereof, shall be liable to a fine of BGN 50 or exceeding this amount but not exceeding BGN 2,000.

**Article 407**

Any heads of State bodies and of legal persons, as well as any citizens, who have culpably failed to fulfil the obligations thereof provided for in Article 394, shall be liable to a fine of BGN 200 or exceeding this amount but not exceeding BGN 3,000.

**Article 408**

(1) The written statement ascertaining the breach under Article 406 or 407 shall be drawn up by an officer of the Security Directorate General.

(2) The penalty decree shall be issued by the Minister of Justice or an official empowered thereby.

(3) The ascertainment of breaches, the issuance, appeal and enforcement of penalty decrees shall follow the procedure established by the Administrative Violations and Sanctions Act.

**Article 408a**

(New, SG No. 62/2016, effective 1.01.2017)

(1) Any judge, prosecutor or investigating magistrate, who fails to submit when due a declaration under Article 175a (1), shall be liable to a fine of BGN 300 or exceeding this amount but not exceeding BGN 3,000.

(2) (New, SG No. 49/2018) Any person failing to submit within the time limits a declaration under Article 175c, Paragraph (1), Item 3 or 4 shall be punished with a fine ranging from BGN 300 to BGN 3,000.

(3) (Renumbered from Paragraph (2), amended, SG No. 49/2018) Any repeated breach shall be punishable by a fine of BGN 600 or exceeding this amount but not exceeding BGN 6,000.

#### **Article 408b**

(New, SG No. 62/2016, effective 1.01.2017)

(1) Upon ascertainment of a lack of correspondence under Article 175h (3), a fine of BGN 500 or exceeding this amount but not exceeding BGN 5,000 shall be imposed, unless a severer sanction is provided for the act committed.

(2) Any repeated breach shall be punishable by a fine of BGN 1000 or exceeding this amount but not exceeding BGN 10,000.

#### **Article 408c**

(New, SG No. 62/2016, effective 1.01.2017) (1) Any person, who fails to fulfil an obligation under Article 175p (2), shall be liable to a fine of BGN 3,000 or exceeding this amount but not exceeding BGN 6,000.

(2) Any repeated breach shall be punishable by a fine of BGN 5000 or exceeding this amount but not exceeding BGN 10,000.

#### **Article 408d**

(New, SG No. 62/2016, effective 1.01.2017)

Any officials culpable of a breach of an obligation under Article 175e (2) to (7) shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000, unless the act committed constitutes a criminal offence.

#### **Article 408e**

(New, SG No. 62/2016, effective 1.01.2017)

(1) The written statements ascertaining the breaches under Article 408a, Article 408b, Article 408c and Article 408d shall be drawn up by persons designated by the Inspector General at the Inspectorate with the Supreme Judicial Council.

(2) The penalty decrees shall be issued by the Inspector General or by inspectors empowered thereby.

(3) The ascertainment of breaches, the issuance, appeal and enforcement of penalty decrees shall follow the procedure established by the Administrative Violations and Sanctions Act.

#### **Article 409**

The proceeds from fines imposed by penalty decrees under this Act shall be credited in revenue to the Judiciary budget.

## **SUPPLEMENTARY PROVISION**

### **(New, SG No. 62/2016, effective 9.08.2016)**

§ 1. (New, SG No. 62/2016, effective 9.08.2016) Within the meaning given by this Act:

1. "Electronic address" shall be an information system, identifiable through a generally accepted standard, for the receipt of electronic acts.

2. "Electronic document" shall be electronic document within the meaning given by Article 3 (35) of Regulation (EU) No. 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257/73 of 28 August 2014).

3. "Closely linked persons" shall be:

(a) the spouses or the de facto cohabitants, the lineal relatives, the collateral relatives up to the fourth degree of consanguinity, and the affines up to the second degree of affinity;

(b) any natural and legal persons wherewith the judge, prosecutor or investigating magistrate is in economic or political dependencies that give rise to reasonable doubts about the impartiality and objectivity of the said judge, prosecutor or investigating magistrate.

4. "Continuous use" shall be use of a thing or another for the satisfaction of needs of the user or of the persons under Article 175b (4), which continues for more than three months within one calendar year.

5. "De facto separation" shall be a situation in which the spouses do not live together and do not share a household.

6. "De facto cohabitation" shall be the voluntary joint cohabitation of two adults with regard to whom a kinship constituting an impediment to entry into marriage does not exist, which has continued for more than two years, and whereupon the persons take care of one another and of a shared household.

7. "Sufficient data" are data on the basis of which a conflict of interest, a breach of the fundamental principles of behaviour regulated in the Code of Ethical Behaviour of Bulgarian Magistrates, or a lack of correspondence between the circumstances as declared and the information gathered can be reasonably presumed.

8. "Family members" shall be a spouse, a de facto cohabitant with the person inspected, and the children who have not attained majority.

9. A "repeated" breach shall be any breach committed within two years from the entry into effect of a penalty decree or a judgment whereby a sanction for the same type of breach was imposed.

10. "Control activity in the prosecuting magistracy" shall be implemented by means of:

(a) a comprehensive audit, which ascertains the overall activity of a particular prosecution office or of the National Investigation Service;

(b) a subject-specific audit, which ascertains the work of a particular prosecution office in a particular area or for a particular period and the overall work of an investigation department at a regional prosecution office;

(c) a check, which targets specific circumstances of an administrative and governance nature, an alert about a breach of discipline, the work of a specific prosecutor or investigating magistrate, the work of a prosecutor or investigating magistrate on a particular category of cases or a particular case, observance of labour discipline and other specific circumstances.

## **TRANSITIONAL AND FINAL PROVISIONS**

**§ 1a.** (Previous § 1, SG No. 62/2016, effective 9.08.2016) The Judiciary System Act (promulgated in the State Gazette No. 59 of 1994, No. 78 of 1994 - Decision No. 8 of the Constitutional Court of 1994, No. 87 of 1994 - Decision No. 9 of the Constitutional Court of 1994, No. 93 of 1995 - Judgement No. 17 of the Constitutional Court of 1995; amended in No.

64 of 1996, No. 96 of 1996 - Decision No. 19 of the Constitutional Court of 1996; amended in Nos. 104 and 110 of 1996, Nos. 58, 122 and 124 of 1997, Nos. 11 and 133 of 1998, No. 6 of 1999 - Decision No. 1 of the Constitutional Court of 1999; amended in Nos. 34, 38 and 84 of 2000, No. 25 of 2001, No. 74 of 2002, No. 110 of 2002 - Decision No. 11 of the Constitutional Court of 2002, No. 118 of 2002 - Decision No. 13 of the Constitutional Court of 2002; amended in Nos. 61 and 112 of 2003, Nos. 29, 36 and 70 of 2004, No. 93 of 2004 - Decision No. 4 of the Constitutional Court of 2004, No. 37 of 2005 - Decision No. 4 of the Constitutional Court of 2005; amended in Nos. 43 and 86 of 2005, No. 17 of 2006, No. 23 of 2006 - Decision No. 1 of the Constitutional Court of 2006, Nos. 30 and 39 of 2006) shall be superseded.

§ 2. (1) The assemblies under Article 21 and the assembly under Article 23 (3) shall be held on or before 5 September 2007.

(2) The assemblies under Article 21 or the assembly under Article 23 (3), which have not been held by the deadline under Paragraph (1), shall be convened by the Minister of Justice and shall be held on or before 15 September 2007.

§ 3. (1) The assemblies under Article 23 (1) and (2) shall be held on or before 21 September 2007.

(2) The assemblies which have not taken place by the deadline under Paragraph (1) shall be convened by the Minister of Justice and shall be held on or before 28 September 2007.

§ 4. The National Assembly shall elect the members of the Supreme Judicial Council of the quota thereof on or before 28 September 2007.

§ 5. (1) The newly elected Supreme Judicial Council shall be considered constituted after the election of members who, together with the ex officio members thereof, form two-thirds of the complement of the Council.

(2) The activity of the incumbent Supreme Judicial Council shall be terminated by the constituting of the newly elected Supreme Judicial Council according to the procedure established by this Act.

§ 6. Any proceedings pending before the Supreme Administrative Court on appeals against decisions of the Supreme Judicial Council shall be completed according to the hitherto effective procedure.

§ 7. (1) Nominations for Inspector General and for inspectors of the Inspectorate with 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 thereby and shall discontinue the activities under Article 18 prior to entering office, notifying thereof the Chairperson of the National Assembly.

§ 8. Any sitting judges at a regional court, prosecutors at a regional prosecution office, judges at an administrative court, judges at an appellate court and prosecutors at an appellate prosecution offices, who do not meet the requirements for service record under Article 164 (2), (3) and (4), shall retain the positions held thereby.

§ 9. Within three months from the entry into force of this Act, the Council of Ministers shall ensure work premises for the operation of the Inspectorate with the Supreme Judicial Council.

**§ 10.** Chairpersons of divisions at the Supreme Court of Cassation and at the Supreme Administrative Court, heads of departments at the Supreme Cassation Prosecution Office and at the Supreme Administrative Prosecution Office, as well as heads of departments at the National Investigation Service, shall retain the amount of the remuneration they have received until the entry into force of this Act.

**§ 11. (1)** (Amended, SG No. 1/2011, effective 4.01.2011) The time served as an arbitrator under the State Arbitration Act as repealed shall also count as service record as a judge under Article 164 (1) to (7).

**(2)** (Amended, SG No. 1/2011, effective 4.01.2011) The time served by the sitting judges, designated by the Republic of Bulgaria to an international court established on the basis of an international treaty whereto the Republic of Bulgaria is a party, or within the framework of an international organisation whereof the Republic of Bulgaria is a member, shall also count as service record as a judge under Article 164 (1) to (7).

**§ 12.** Any competitions for judges, prosecutors, investigating magistrates, public enforcement agents and recording magistrates scheduled until the entry into force of this Act shall be conducted according to the hitherto effective procedure.

**§ 13.** The additional remuneration for continuous work of judges, prosecutors and investigating magistrates, which until the entry into force of this Act exceeded 40 per cent, shall be kept at the amount set and may not be increased.

**§ 14.** (Amended, SG No. 23/2011, effective 22.03.2011) The provisions of the Defence and Armed Forces of the Republic of Bulgaria Act shall apply to military judges, military prosecutors and military investigating magistrates, and the years served in the system of the Ministry of Interior shall count as military service.

**§ 15.** Any disciplinary proceedings, pending until the entry into force of this Act, shall be examined according to the hitherto effective procedure and shall be completed until 31 December 2007. The expiry of this time limit shall not be grounds for the lapse of liability.

**§ 16.** The three-year time limit for entry in office shall apply to any sitting junior judges and junior prosecutors.

**§ 17. (1)** The period under Article 374 (2) shall begin to run for the sitting court inspectors as from the date of their last appointment.

**(2)** Until the election of an Inspector General and of inspectors of the Inspectorate with the Supreme Judicial Council, the Inspectorate under the Minister of Justice shall continue to exercise the powers thereof under Items 1 and 2 of Article 35b (1) of the Judicial System Act as superseded.

**§ 18.** The internship of a legal executive or legal intern shall count as length of employment service where such internship has taken place after sitting for State final certification examinations for the award of a university degree in law.

**§ 19.** Chapter Sixteen of the Code of Administrative Procedure (State Gazette No. 30 of 2006), with Articles 258 to 266, shall be repealed.

**§ 20.** In the Criminal Code (promulgated in the State Gazette No. 26 of 1968; corrected in No. 29 of 1968; amended in No. 92 of 1969, Nos. 26 and 27 of 1973, No. 89 of 1974, No. 95 of 1975, No. 3 of 1977, No. 54 of 1978, No. 89 of 1979, No. 28 of 1982; corrected in No. 31 of 1982; amended in No. 44 of 1984, Nos. 41 and 79 of 1985; corrected in No. 80 of 1985; amended, No. 89 of 1986; corrected, No. 90 of 1986; amended in Nos. 37, 91 and 99 of 1989, Nos. 10, 31 and 81 of 1990, Nos. 1 and 86 of 1991; corrected in No. 90 of 1991; amended in No.

105 of 1991, No. 54 of 1992, No. 10 of 1993, No. 50 of 1995, No. 97 of 1995 - Decision No. 19 of the Constitutional Court of 1995; amended in No. 102 of 1995, No. 107 of 1996, Nos. 62 and 85 of 1997, No. 120 of 1997 - Decision No. 19 of the Constitutional Court of 1997; amended in Nos. 83, 85, 132, 133 and 153 of 1998, Nos. 7, 51 and 81 of 1999, Nos. 21 and 51 of 2000, No. 98 of 2000 - Decision No. 14 of the Constitutional Court of 2000; amended in Nos. 41 and 101 of 2001, Nos. 45 and 92 of 2002, Nos. 26 and 103 of 2004, Nos. 24, 43, 76, 86 and 88 of 2005, Nos. 59, 75 and 102 of 2006, Nos. 38 and 57 of 2007), the words "assistant enforcement agent" shall be replaced passim by "assistant private enforcement agent".

**§ 21.** The Social Insurance Code (promulgated in the State Gazette No. 110 of 1999, No. 55 of 2000 - Decision No. 5 of the Constitutional Court of the Republic of Bulgaria of 2000; amended in No. 64 of 2000, Nos. 1, 35 and 41 of 2001, Nos. 1, 10, 45, 74, 112, 119 and 120 of 2002, Nos. 8, 42, 67, 95, 112 and 114 of 2003, Nos. 12, 38, 52, 53, 69, 70, 112 and 115 of 2004, Nos. 38, 39, 76, 102, 103, 104 and 105 of 2005, Nos. 17, 30, 34, 56, 57, 59, 68, 82, 95, 102 and 105 of 2006, Nos. 41 and 52 of 2007) shall be amended as follows:

1. In Article 54b (3), the words "Items 2, 3 and 6 of Article 131 (1) and Items 2, 3 and 4 of Article 152 (1)" shall be replaced by "Items 2, 3 and 5 of Article 165 (1) and Items 2, 3 and 5 of Article 271".

2. In Article 54f (1), the words "Article 139e" shall be replaced by "Article 226".

3. In Article 69 (2), the words "Article 36e" shall be replaced by "Article 391".

4. In Item 3 (b) of Article 230 (3), the words "bailiffs" shall be replaced by "public enforcement agents".

5. In Item 3 of Article 262 (1), the words "bailiffs" shall be replaced by "public enforcement agents".

6. In Item 3 (b) of Article 282 (1), the words "bailiffs" shall be replaced by "public enforcement agents".

7. In Article 287 (2), the words "Items 2, 3 and 6 of Article 131 (1) and Items 2, 3 and 4 of Article 152 (1)" shall be replaced by "Items 2, 3 and 5 of Article 165 (1) and Items 2, 3 and 5 of Article 271".

**§ 22.** In the Public Financial Inspection Act (promulgated in the State Gazette No. 33 of 2006; amended in No. 59 of 2006), in Item 5 of Article 5, the words "Article 119" shall be replaced by "Article 145".

**§ 23.** In the Civil Servants Act (promulgated in the State Gazette No. 67 of 1999; amended in No. 1 of 2000, Nos. 25, 99 and 110 of 2001, No. 45 of 2002, No. 95 of 2003, No. 70 of 2004, No. 19 of 2005, Nos. 24, 30 and 102 of 2006, No. 59 of 2007), in § 2 (3) of the Transitional and Final Provisions, the words "Article 127 (1) to (4)" shall be replaced by "Article 164 (1) to (5)".

**§ 24.** In the Consumer Protection Act (promulgated in the State Gazette No. 99 of 2005; amended in Nos. 30, 51, 53, 59, 105 and 108 of 2006, Nos. 31, 41 and 59 of 2007), in Article 226 (2), the words "Article 201" shall be replaced by "Article 405".

**§ 25.** The Ministry of Interior Act (promulgated in the State Gazette No. 17 of 2006; amended in Nos. 30, 102 and 105 of 2006, Nos. 11, 31, 41, 46 and 57 of 2007) shall be amended

and supplemented as follows:

1. In Item 10 of Article 212 (1), the words "Article 163" shall be replaced by "Article 294".

2. In Article 219 (2), the word "district" shall be deleted, and the words "Article 118a (3)" shall be replaced by "Article 144 (3)".

3. In Article 220, the word "district" shall be deleted and "under Article 144 (3) of the Judicial System Act" shall be added at the end.

**§ 26.** The Notaries and Notarial Practice Act (promulgated in the State Gazette No. 104 of 1996; amended, in Nos. 117, 118 and 123 of 1997, No. 24 of 1998, No. 69 of 1999, No. 18 of 2003, Nos. 29 and 36 of 2004, Nos. 19 and 43 of 2005, Nos. 30, 39 and 41 of 2006, No. 59 of 2007) shall be amended and supplemented as follows:

1. In Article 8 (2), the words "assistant bailiff" shall be replaced by "assistant private enforcement agent".

2. In Article 80b (1), a sentence two shall be inserted: "The Minister of Justice shall assign the conduct of joint inspections to the inspectors of the Inspectorate under the Minister of Justice under the Judicial System Act and to the inspector notaries public under Article 80c (4)."

3. In Article 80c, Paragraph (1) shall be repealed.

**§ 27.** The Income Taxes on Natural Persons Act (promulgated in the State Gazette No. 95 of 2006; amended in No. 52 of 2007) shall be amended and supplemented as follows:

1. In Item 8 of Article 24 (2), the words "Article 139d, Items 1 and 2 of Article 139f (1), Article 157a (3) and Article 188i" shall be replaced by "Article 225, Article 277 (3) and Article 354".

2. In the Supplementary Provisions, in Item 26 (c) of § 1, after the words "the Supreme Judicial Council", there shall be added "the Inspector General and the inspectors of the Inspectorate with the Supreme Judicial Council".

**§ 28.** In the National Audit Office Act (promulgated in the State Gazette No. 109 of 2001; amended in No. 45 of 2002, No. 31 of 2003, No. 38 of 2004, Nos. 34 and 105 of 2005, Nos. 24, 27, 33 and 37 of 2006), in Article 27 (4), the words "Article 127 (1) to (4)" shall be replaced by "Article 164 (1) to (5)".

**§ 29.** The Private Enforcement Agents Act (promulgated in the State Gazette No. 43 of 2005; amended in No. 39 of 2006, Nos. 31 and 59 of 2007) shall be amended as follows:

1. In Article 75 (1), Item 1 shall be amended as follows:

"1. Inspectors of the Inspectorate under the Minister of Justice under the Judicial 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) The statutory instruments of secondary legislation, issued for the application and on the basis of the repealed Judicial System Act, shall apply until the issuance of the corresponding new statutory instruments of secondary legislation, to the extent they do not come into conflict with this Act.

(2) The statutory instruments of secondary legislation for the application of this Act shall be adopted or issued until 31 December 2007.

(3) The Inspectorate with the Supreme Judicial Council shall adopt the rules under Article 55 (4) within one month from the election of the Inspector General and of inspectors.

(4) Within three months from the entry into force of this Act, the Council of Ministers shall adopt the ordinance under Article 378 (2).

(5) The Minister of Justice shall issue:

1. the ordinance under Article 385 (5): within three months from the entry into force of this Act;

2. the ordinance under Article 386 (1): within six months from the entry into force of this Act.

This Act was adopted by the 40th National Assembly on 24 July 2007 and the official seal of the National Assembly has been affixed thereto.

??

ACT  
to Amend and Supplement the Judiciary System Act  
(SG No. 33/2009, amended, SG No. 1/2011, effective 4.01.2011)

.....

Supplementary Provision

§ 110. In the Act, the words "junior judge, junior prosecutor and junior investigating magistrate" and "junior judges, junior prosecutors and junior investigating magistrates" shall be replaced passim, respectively, by "junior judge and junior prosecutor" and "junior judges and junior prosecutors".

Transitional and Final Provisions

§ 111. The prosecuting magistracy of the Republic of Bulgaria shall be a successor in title to the assets, liabilities, archive, as well as the other rights and obligations of the National Investigation Service and the regional investigation services by the day of entry into force of this Act.

§ 112. (1) The Director of the National Investigation Service shall continue to discharge the duties thereof as an administrative head until the end of the term of office for which the said Director has been elected.

(2) The directors of regional investigation services shall be reappointed without competition to the position of head of a regional investigation department at the regional prosecution offices and shall continue to discharge the duties thereof as administrative heads until the end of the term of office for which they have been elected

(3) The Supreme Judicial Council shall reappoint the investigating magistrates of the regional investigation services to the regional investigation departments at the regional prosecution offices without competition.

(4) The employment relationships of the employees of the regional investigation services shall be settled under the terms and according to the procedure established by Article 123 of the Labour Code.

§ 113. The Supreme Judicial Council shall reappoint without competition the sitting junior investigating magistrates of the regional investigation services who, by the day of entry into force of this Act, have not completed three years in service in the position of junior prosecutor at the relevant district prosecution offices.

§ 114. Within one month from the entry into force of this Act, the vacated junior prosecutor positions at the regional prosecution offices shall be transformed into prosecutor positions.

§ 115. (1) (Amended, SG No. 1/2011, effective 4.01.2011) Service record as an investigating magistrate at a regional investigation service shall count as service record under Article 164 (8).

(2) (Amended, SG No. 1/2011, effective 4.01.2011) Service record as a junior investigating magistrate at a regional investigation service shall count as service record under Article 164 (8) and Article 209 (2).

§ 116. (Amended, SG No. 1/2011, effective 4.01.2011) The service record of persons holding a university degree in law acquired in the position of an investigating police officer in the system of the Ministry of Interior or an investigating officer at the Ministry of Defence until the entry into force of the Act to Amend and Supplement the Ministry of Interior Act (State Gazette No. 69 of 2008) shall count as service record under Article 164 (8).

§ 117. The labour remunerations of experts at the Inspectorate with the Supreme Judicial Council, set until the entry into force of this Act, shall be brought into conformity with Article 55 (4).

§ 118. (1) Any disciplinary proceedings, pending until the entry into force of this Act, shall be examined according to the hitherto effective procedure.

(2) Any appraisals pending until the entry into force of this Act, as well as any competitions held through appraisal, shall be completed according to the hitherto effective procedure.

§ 119. Any competitions for administrative heads of investigating authorities, scheduled until the entry into force of this Act, which are not completed, shall be terminated.

§ 120. Within three months from the entry into force of this Act, the Supreme Judicial Council shall approve the Code of Ethics for Judges, Prosecutors and Investigating Magistrates and the Code of Ethics for Judicial Officers and shall adopt the ordinance under Article 209a.

§ 121. Within six months from the entry into force of this Act, the Minister of Justice shall issue the rules under Article 391 (6).

.....

§ 123. (1) § 56 shall enter into force as from the day of entry into force of the ordinance under Article 209a.

(2) The provisions of § 72 and 73 shall enter into force as of 1 January 2010.

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Judiciary System Act

(SG No. 103/2009, effective 29.12.2009)

§ 12. Any disciplinary proceedings instituted in connection with an early termination of the credentials of an elective member of the Supreme Judicial Council shall be completed according to the procedure established by this Act.

§ 13. This Act shall enter into force on the date of its promulgation in the State Gazette.

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Medical-Treatment Facilities Act

(SG No. 59/2010, effective 31.07.2010)

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§ 60. In the Judicial System Act (promulgated in the State Gazette No. 64 of 2007; amended in Nos. 69 and 109 of 2008 and Nos. 25, 33, 42, 102 and 103 of 2009), an Item 4 shall be added in Article 403 (1):

.....  
§ 77. This Act shall enter into force as from the day of its promulgation in the State Gazette, with the exception of:

1. § 9 [regarding Article 19 (4)], 53, 60 and 66 [regarding Article 98 (5) and (6)], which shall enter into force as from 1 January 2011;

2. § 75, which shall take effect as of 30 September 2011.

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Judiciary System Act

(SG No. 1/2011, effective 4.01.2011, supplemented, SG No. 32/2011, effective 19.04.2011; amended with Judgment No. 10 of the Constitutional Court of the Republic of Bulgaria, SG No. 93/2011)

§ 119. (1) Within 15 days from the entry into force of this Act, the Supreme Judicial Council shall determine the number of judges, prosecutors and investigating magistrates, as well as the number of deputy administrative heads of the specialised courts and prosecution offices.

(2) The specialised courts and prosecution offices shall also be staffed by transforming staff positions for judges, prosecutors, investigating magistrates and judicial officers unoccupied by the date of entry into force of this Act.

§ 120. (1) Within two months from the entry into force of this Act, the Supreme Judicial Council shall appoint the heads of the specialised courts and prosecution offices.

(2) Within four months from the entry into force of this Act, the Supreme Judicial Council shall appoint the judges, prosecutors and investigating magistrates at the specialised courts and prosecution offices.

§ 121. (1) Within six months from the entry into force of this Act, the general assembly of judges of the appellate specialised criminal court shall designate the court assessors who shall sit in the court hearings of the specialised criminal court.

(2) Until the designation of the court assessors under Paragraph (1), the court assessors

designated to sit in the court hearings of the Sofia City court shall sit in the court hearings of the specialised criminal court.

§ 122. Within six months from the entry into force of this Act, the chairpersons of the specialised courts and the heads of the specialised prosecution offices shall appoint the judicial and prosecutorial assistants and the employees at the court administration.

§ 123. Within one month from the entry into force of this Act, the Council of Ministers shall provide premises for the specialised courts and prosecution offices.

§ 124. The deputy administrative heads of judicial authorities shall continue to exercise their functions under the terms of Article 168.

§ 125. The commissions on professional ethics at the judicial authorities shall be elected within three months from the entry into force of this Act.

§ 126. (1) (Declared unconstitutional with Judgment No. 10 of the Constitutional Court of the Republic of Bulgaria, SG No. 93/2011)

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Within one month from the entry into force of this Act, the Supreme Judicial Council shall adopt the ordinances under § 21 and 67.

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(2) Within one month from the entry into force of this Act, the Supreme Judicial Council shall adopt the rules under § 12 and 86.

§ 127. (1) Any competitions for judges, prosecutors and investigating magistrates, as well as for the election of administrative heads, which have been scheduled until the entry into force of this Act, shall be completed according to the hitherto effective procedure.

(2) The competitions for deputy administrative heads, which have scheduled until the entry into force of this Act, shall be terminated.

§ 128. Within three months from the entry into force of this Act, the Supreme Judicial Council shall release from office the sitting judges, prosecutors and investigating magistrates who have attained the age of 65 years.

§ 128a. (New, SG No. 32/2011, effective 4.01.2011) Any appraisal procedures initiated but pending by the date of entry into force of this Act shall be completed according to the hitherto effective procedure.

§ 129. (1) (Previous text of § 129, SG No. 32/2011, effective 4.01.2011) The four-year time limit for the periodic appraisal under § 69 with regard to Item 2 of Article 196 shall begin to run as from the entry into force of this Act.

(2) (New, SG No. 32/2011, effective 4.01.2011) Any persons, who have not been appraised periodically or on another occasion until the entry into force of this Act, shall be appraised extraordinarily, prior to the expiry of the four-year time limit upon entry into a competition for promotion or for transfer, upon election of an administrative head or of a deputy administrative head thereof in the judicial authorities.

(3) (New, SG No. 32/2011, effective 4.01.2011) Any appraisal procedures conducted under the previous version of Items 1 to 5 of Article 196 until the entry into force of this Act shall be considered a periodic appraisal.

§ 130. (Declared unconstitutional with Judgment No. 10 of the Constitutional Court of the Republic of Bulgaria, SG No. 93/2011)

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Within three months from the entry into force of this Act, the Supreme Judicial Council shall adopt the ordinance under § 82.

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§ 131. The sitting Inspector General and inspectors at the Inspectorate with the Minister of Justice shall continue to perform their functions and within one month after the entry into force of this Act shall be reappointed under a civil service relationship to a position of "head of inspectorate" and "inspector", respectively, under the Uniform Classifier of Positions in the Administration, adopted by Council of Ministers Decree No. 47 of 2004 (promulgated in the State Gazette No. 18 of 2004; amended in No. 83 of 2005 and No. 58 of 2010).

§ 132. Within three months from the entry into force of this Act, the Minister of Justice shall issue the ordinance under Item 1 of § 112.

.....  
§ 136. This Act shall enter into force as from the day of its promulgation in the State Gazette with the exception of Item 2 of § 20, which shall enter into force as from 1 January 2010, and § 69 regarding Item 2 of Article 196, which shall enter into force as from 1 March 2011.

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Judiciary System Act  
(SG No. 32/2011, effective 19.04.2011)

§ 22. (1) Any junior judge and junior prosecutor competitions and competitions for initial appointment to the judicial authorities, scheduled until the entry into force of this Act, shall be completed according to the hitherto effective procedure.

(2) Any junior judges and junior prosecutors appointed by the date of entry into force of this Act shall continue to execute this office according to the hitherto effective procedure.

§ 23. Within six months from the entry into force of this Act, the judges, prosecutors and investigating magistrates shall submit a declaration under Article 195 (1).

§ 24. This Act shall enter into force as from the day of its promulgation in the State Gazette, with the exception of:

1. § 21, which shall take effect as of 4 January 2011;
2. § 6, 7, 9, 10, 11, 14, 15, 16, 17, 18 and 20, which shall take effect as of 1 January 2012.

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend the Medical Treatment Facilities Act  
(SG No. 45/2011, effective 14.06.2011)

.....  
§ 3. The Judiciary System Act (promulgated in the State Gazette No. 64 of 2007; amended in Nos. 69 and 109 of 2008, Nos. 25, 33, 42, 102 and 103 of 2009, No. 59 of 2010, Nos. 1, 23 and 32 of 2011) shall be amended and supplemented as follows:

.....  
§ 5. The ordinance under Article 403a (2) of the Judiciary System Act shall be issued within two months from the entry into force of this Act.

.....  
TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Judiciary System Act  
(SG No. 50/2012, amended, SG No. 28/2016)

§ 30. When conducting the 2012 elections for members of the Supreme Judicial Council, the election under Article 19(1) shall take place not later than 28 September 2012.

§ 31. When conducting the 2012 elections for members of the Supreme Judicial Council, the assemblies under Article 20(3) and Article 21a (4) shall take place not later than 28 September 2012.

§ 32. (1) Upon the expiry of the term of office of the incumbent Supreme Judicial Council, the newly elected Supreme Judicial Council shall be considered constituted after the election of members who, together with the ex officio members, form two-thirds of the complement of the Council.

(2) The activity of the incumbent Supreme Judicial Council shall be terminated by the constituting of the newly elected Supreme Judicial Council according to the procedure established by this Act.

§ 33. (1) (1) Within 30 days from the entry into force of this Act, rules shall be laid down in the Judiciary System Act for the direct election of members of the Supreme Judicial Council of the Judiciary quota through voting by electronic means.

(2) (Repealed, SG No. 28/2016).

§ 34. (1) Within six months from the date of entry into force of Chapter Three A or from the date of being notified by the Registrar of the European Court of Human Rights, persons who have submitted applications to the European Court of Human Rights against an infringement of the right thereof to have the case thereof heard and disposed of within a reasonable time may submit an application pursuant to Chapter Three A, unless the court has already delivered a judgment on the merits of the application or decided to leave the application without consideration as inadmissible.

(2) Applications under Paragraph (1) shall be reviewed within 18 months from their date of submission.

§ 35. For the application of Chapter Three A in 2012, the Council of Ministers shall provide additional budgetary appropriations under the judiciary budget and the budget of the Ministry of Justice.

§ 36. Any procedures for the election of administrative heads under Articles 194a and 194b that are pending by the date of entry into force of this Act shall be completed according to the hitherto effective procedure.

§ 37. (1) The sitting Inspector General and inspectors at the Inspectorate under the Minister of Justice shall continue to perform the functions thereof and, within one month from the entry into force of this Act, shall be reappointed under an employment relationship to a position of "Inspector General" and "inspector", respectively.

(2) In respect of the sitting Inspector General and inspectors in the Inspectorate under the Minister of Justice, the time limits under Article 374 (2) shall run from the date of the reappointment thereof under an employment relationship to the respective positions.

§ 38. (1) The information system under Article 386(3) shall be built within six months after the entry into force of this Act.

(2) The ordinance under Article 77 (4) shall be brought into conformity with this Act within the time limit under Paragraph (1).

.....  
§ 40. § 15 regarding Article 60a, Article 60b, Article 60c (3) to (5), Articles 60d to 60l shall enter into force as from 1 October 2012.

FINAL PROVISIONS

to the Amendment and Supplement Act

to the Public Disclosure of Senior Public Officials' Financial Interests Act

(SG No. 30/2013, effective 26.03.2013)

§ 5. (1) The persons in respect of whom an obligation under Article 2 (1) arises upon the entry into force of this Act shall submit the declarations under Article 4 (1) within 14 days from the promulgation of the Act in the State Gazette. The declarations shall be published immediately on the website the Bulgarian National Audit Office.

(2) The persons under Paragraph (1) may modify the declarations submitted thereby within seven days from the publication of the said declarations. Any such modifications shall be published immediately.

.....  
ACT

to Amend and Supplement the Code of Penal Procedure

(SG No. 21/2014)

.....  
Final Provisions

§ 6. In the Judiciary Act (promulgated in the State Gazette No. 64 of 2007; amended in Nos. 69 and 109 of 2008, Nos. 25, 33, 42, 102 and 103 of 2009, No. 59 of 2010, Nos. 1, 23, 32, 45, 81 and 82 of 2011; Decision No. 10 of the Constitutional Court of 2011, State Gazette No. 93 of 2011; amended in Nos. 20, 50 and 81 of 2012, Nos. 15, 17, 30, 52, 66, 70 and 71 of 2013) shall be amended and supplemented as follows:

.....  
§ 7. The ordinance under Article 403 (2) of the Judicial System Act shall be issued within two months from the entry into force of this Act.

.....  
ACT

on Amending and Supplementing the Law

on Protection of Witnesses in Criminal Trials

(SG No. 21/2014, effective 9.04.2014)

.....  
§ 23. The Judicial System Act (promulgated in the State Gazette No. 64 of 2007; amended in Nos. 69 and 109 of 2008, Nos. 25, 33, 42, 102 and 103 of 2009, No. 59 of 2010, Nos. 1, 23, 32, 45, 81 and 82 of 2011; Decision No. 10 of the Constitutional Court of 2011, State Gazette No. 93 of 2011; amended, Nos. 20, 50 and 81 of 2012, Nos. 15, 17, 30, 52, 66, 70 and 71 of 2013), an Item 6 shall be added in Article 138:

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§ 24. This Act shall enter into force as from the day of its promulgation in the State Gazette.

ACT

to Amend and Supplement the Judicial System Act

(SG No. 28/2016, amended, SG No. 49/2018)

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§ 75. In the rest of the texts of the Act, the words "the Commission on proposals and appraisal of judges, prosecutors and investigating magistrates" shall be replaced by "the Commission on Appraisal and Competitions with the respective chamber".

.....  
Transitional and Final Provisions

§ 77. The Plenum of the Supreme Judicial Council shall adopt the rules under Article 29b (1) within six months from the entry into force of this Act.

§ 78. (1) (1) The direct election of members of the Supreme Judicial Council by judges, prosecutors and investigating magistrates shall be conducted by remote electronic voting in case the Supreme Judicial Council implements, before the election, a system guaranteeing the secrecy of the ballot and the free expression of the voter's will. Electronic voting shall not prejudice the option to vote by paper ballots. The rules under Article 29b (1) shall furthermore establish the procedure for remote electronic voting.

(2) An experimental electronic voting shall be conducted conforming to the rules under Article 29b (1) not later than ten months before the expiry of the term of office of the elective members of the Supreme Judicial Council elected in 2012.

§ 79. The direct election of members of the Supreme Judicial Council by judges, prosecutors and investigating magistrates may also be conducted by machine voting, in case the Supreme Judicial Council implements, before the election, a system guaranteeing the secrecy of the ballot and the free expression of the voter's will, and provided this is more economically expedient in comparison with electronic voting. Machine voting shall follow the procedure and the rules under Chapter Two, Section Ia, with the voting device displaying a ballot identical with the paper ballot. A single voting section shall tally the results of not more than five voting devices. Machine voting shall not prejudice the option to vote by remote electronic means and by paper ballots.

§ 80. Within three months from the entry into force of this Act, the Council of Ministers shall adopt a decree regulating the relations involved in the transfer from the budget of the Ministry of Justice to the budget of the Supreme Judicial Council of the unabsorbed funds for the acquisition and management of the immovable properties of the Judiciary, as well as the funds for personnel under § 81.

§ 81. Within three months from the entry into force of this Act, the employees of the Ministry of Justice whose civil-service relationships are related to the activity of management of the property of the Judiciary shall be reappointed without a competition to work under an employment relationship in the respective administration of the Supreme Judicial Council.

§ 82. (1) The Supreme Judicial Council shall supersede the Ministry of Justice in all rights and obligations under the contracts related to the stewarding and management of the immovable properties of the Judiciary, which have been concluded by the Ministry of Justice.

(2) Any pending judicial and administrative proceedings in connection with the stewarding and management of the immovable properties of the Judiciary shall be pursued with the participation of the Supreme Judicial Council.

§ 83. (1) Within three months from the entry into force of this Act, the immovable properties and movable things of the Judiciary, managed by the Ministry of Justice, shall pass to the Supreme Judicial Council, being delivered together with the full set of documents appertaining thereto.

(2) The properties and parts of properties allocated until the entry into force of this Act to

the Ministry of Justice for the needs of the budget authorisers by sub-delegation under the Minister of Justice shall continue to be used for the implementation of the activities of the said budget authorisers and shall remain under the management of the Ministry of Justice.

(3) (Amended, SG No. 49/2018) By 31 January 2019 the regional governors shall incorporate the changes in the state property certificates for all immovable properties of the Judiciary or shall draw up state property certificate for such properties.

§ 84. The commissions under Article 37 (1) shall be elected within one month from the entry into force of this Act, and the commissions under Article 37 (3) shall be elected within three months from the entry into force of this Act.

§ 85. (1) Until the election of the Commissions on Appraisal and Competitions and of the Commissions on Professional Ethics with the chambers of the Supreme Judicial Council, the activities of appraisal and conduct of competitions shall be continued by the commissions provided for until the entry into force of this Act and according to the hitherto effective procedure, and the decisions on any such appraisals and competitions shall be adopted by the respective chambers of the Supreme Judicial Council.

(2) After the election of the Commissions on Appraisal and Competitions and of the Commissions on Professional Ethics with the chambers of the Supreme Judicial Council, the activities of appraisal and conduct of competitions shall be continued by the commissions as elected according to the procedure provided for until the entry into force of this Act, and the decisions on any such appraisals and competitions shall be adopted by the respective chambers of the Supreme Judicial Council.

(3) Until the election of the Commissions on Professional Ethics with the chambers of the Supreme Judicial Council, the Commission on Professional Ethics and Prevention of Corruption shall continue to execute the powers thereof according to the hitherto effective procedure and shall submit the results of the activity thereto to the respective chamber of the Supreme Judicial Council.

(4) After the election of the Commissions on Professional Ethics with the chambers of the Supreme Judicial Council, the proceedings which have been initiated but are not completed shall be pursued by the commissions with the Judges Chamber and the Prosecutors Chamber. The results of the said proceedings shall be submitted for examination to the respective chamber.

(5) Any disciplinary proceedings which are pending until the entry into force of this Act shall be examined according to the hitherto effective procedure, and the decisions on any such proceedings shall be adopted by the respective chambers of the Supreme Judicial Council.

.....  
TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Judicial System Act  
(SG No. 62/2016, effective 9.08.2016, supplemented, SG No. 76/2016,  
effective 9.08.2016, amended and supplemented, SG No. 49/2018)

§ 205. (1) A judge, prosecutor or investigating magistrate, who occupied the position of an administrative head of a judicial authority by the date of entry into force of this Act, may retain the position of a judge, prosecutor or investigating magistrate after the completion of the term of office at the same judicial authority whereat the said magistrate held office as an administrative head.

(2) A judge, prosecutor or investigating magistrate, who occupied the position of a deputy administrative head of a judicial authority by the date of entry into force of this Act, may retain the position of a judge, prosecutor or investigating magistrate after the release thereof at the same

judicial authority whereat the said magistrate held office as a deputy administrative head.

§ 206. (1) (Repealed, SG No. 49/2018).

(2) Until the entry into force of the ordinance under Article 209b, the appraisal shall be carried out according to the hitherto effective procedure. Any appraisal procedures pending until the entry into force of this Act shall be completed according to the procedure whereunder they commenced.

(3) (Amended and supplemented, SG No. 49/2018) A judge, prosecutor or investigating magistrate, who has been appointed until the entry into force of this Act, shall not be attested periodically after receiving two consecutive positive aggregate scores under Item 3 of Article 196. Periodic appraisals carried out before the entry of this Act into force shall count as appraisals within the meaning of Article 196, Item 3 following the acquisition of tenure regardless of the procedure based on which such tenure has been acquired.

§ 207. (1) Any judges, prosecutors or investigating magistrates, who have been seconded until the entry into force of this Act to vacant positions, shall continue to execute the respective positions until they are occupied by a competition.

(2) Within two months from the entry into force of this Act, competitions for the unoccupied positions under Paragraph (1) shall be announced, unless competitions for the occupation of the said positions have been announced until the entry into force of the said Act.

§ 208. Any disciplinary proceedings under Chapter Sixteen, pending until the entry into force of this Act, shall be examined according to the hitherto effective procedure.

§ 209. Any competitions for junior judges and junior prosecutor and any competitions for initial appointment to the judicial authorities, commenced until the entry into force of this Act, shall be completed according to the hitherto effective terms and procedure.

§ 210. Any competition procedure for promotion and transfer in the judicial authorities, commenced until the or initial appointment to the judicial authorities, shall be completed according to the hitherto effective terms and procedure.

§ 211. Within one month from the entry into force of this Act, the Inspector General and the inspectors at the Inspectorate under the Minister of Justice, appointed until the entry into force of the said Act, shall be reappointed under an employment contract for an indefinite period to the position of "Inspector General" and, respectively, "inspector".

§ 212. By 1 January 2017 the Inspector General at the Inspectorate with the Supreme Judicial Council shall endorse the standard forms of the declarations under Article 175a (1) [of the Judicial System Act], as well as the standard form of an alert under Article 175k (5).

§ 213. Any proceedings under the Conflict of Interest Prevention and Ascertainment Act and under the Public Disclosure of Financial Interests of Officials Holding High State and Other Positions Act in respect of a judge, prosecutor or investigating magistrate, which are pending by 1 January 2017, shall be completed according to the hitherto effective procedure.

§ 214. Any legal interns, who have entered an internship until the entry into force of the ordinance under Article 297a [of the Judicial System Act], shall undergo the internship and shall sit for the examination for a licence to practice law under the hitherto effective terms and procedure.

§ 215. (1) The statutory instruments of secondary legislation for the application of this Act shall be adopted or brought into conformity with this Act within six months from the entry into force thereof.

(2) The methodologies under Article 28 (2) and Article 50 (2) [of the Judicial System Act] shall be adopted within six months from the entry into force of this Act.

(3) Until the statutory instruments of secondary legislation under Paragraph (1) are adopted or brought into conformity with this Act, the effective statutory instruments of secondary legislation shall apply, to the extent they do not come into conflict with this Act.

§ 216. (1) Within three years from the entry into force of this Act:

1. the judicial authorities may perform the steps provided for in Article 360g (1) to (5) [of the Judicial System Act], provide that the authority concerned is technologically and technically ready and the Plenum of the Supreme Judicial Council has adopted a decision;

2. the judicial authorities shall store the documents submitted thereto in hard copy according to a procedure established by the Plenum of the Supreme Judicial Council;

3. the judicial authorities may perform certifying acts in conformity with the provisions of the Act, may issue instruments and perform all other procedural steps provided for in the Act in electronic form, where the Plenum of the Supreme Judicial Council has adopted a decision specifying which of the said acts, instruments and steps may be effected in the said form and has established that a technological possibility to affect them is available;

4. the judicial authorities may maintain websites thereby affording an opportunity for the performance of procedural steps and certifying acts in electronic form; the steps provided for in Items 1 to 3 of Article 360c (2) [of the Judicial System Act] may be performed through the single e-justice portal after the Plenum of the Supreme Judicial Council has adopted a decision, if the appropriate functionality is available;

5. the Plenum of the Supreme Judicial Council and the Minister of Justice may ensure exchange for one or various administrative authorities, persons performing public functions and organisations providing public services, setting the starting point of the availability of the exchange by coordinated decisions thereof;

6. the Plenum of the Supreme Judicial Council, after consultation with the Minister of Justice, shall develop a single centralised information system for the courts.

(2) The single centralised information system for the prosecuting magistracy shall be brought into conformity with this Act within three years from the entry into force thereof. After the expiry of this time limit, the pre-trial proceedings authorities shall be bound to use this system for the performance of procedural steps in electronic form and for the performance of certifying acts.

(3) Within three years from the entry into force of this Act, the judicial authorities may search [the database] for address registrations according to the hitherto effective procedure.

§ 217. (1) Until the single centralised information system for the courts is developed and put into operation, the maintenance of the register of courts' instruments shall be ensured by the Plenum of the Supreme Judicial Council.

(2) The Plenum of the Supreme Judicial Council shall designate the instruments under Article 360n (3) [of the Judicial System Act] within six months from the entry into force of this Act.

§ 218. (1) All cases instituted in hard copy within three years from the entry into force of this Act shall be disposed of according to the hitherto effective procedure. The parties may not perform procedural steps in electronic form in any such cases.

(2) If the Plenum of the Supreme Judicial Council has adopted decisions under Items 1 and 3 of § 216 (1), the judicial authority shall conduct electronic cases only.

(3) Where a judicial authority has captured an electronic image of pending or disposed of cases within three years from the entry into force of this Act, the respective authority may afford access to any such cases solely for reference purposes.

§ 219. The Plenum of the Supreme Judicial Council shall ensure interoperable exchange of electronic cases, documents and other information between the information systems used by the judicial authorities within two years from the entry into force of this Act.

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§ 229. This Act shall enter into force as from the day of its promulgation in the State Gazette, with the exception of:

1. Paragraphs 86, 126, 202, 227 and 228, which shall enter into force as of 1 January 2017;
2. (New, SG No. 76/2016, effective 9.08.2016) Paragraphs 156, 158 and 195, which shall enter into force as of 1 January 2018;
3. (Renumbered from Item 2, SG No. 76/2016, effective 9.08.2016) Paragraph 194 regarding Articles 360n to 360r, which shall enter into force six months after the promulgation of the Act in the State Gazette;
4. (Renumbered from Item 3, SG No. 76/2016, effective 9.08.2016) Paragraph 194 regarding Article 360c (2), Article 360g, Article 360h (1) and Article 360l, which shall enter into force three years after the promulgation of the Act in the State Gazette.

TRANSITIONAL AND FINAL PROVISIONS  
to the Act to Amend and Supplement the Legal Aid Act  
(SG No. 13/2017)

§ 13. The single information system referred to in Article 8a [of the Legal Aid Act] shall be implemented within two years from the entry into force of this Act. After the expiry of this time limit, the Bar Councils shall be obligated to use the said system for electronic information exchange and electronic reporting of the legal aid. § 3 herein regarding Article 12 of the Act shall furthermore apply with regard to any running and unfinished terms of office as from the time of entry into force of the Act.

§ 14. (1) The provision of Article 67 (3) of the Judiciary System Act shall not apply to the court assessors elected until the 9th day of August 2016.

(2) The court assessors elected until the 9th day of August 2016 shall complete the five-year term of office for which the said assessors have been elected.

(3) The court assessors elected until the 9th day of August 2016, who were released early in pursuance of Article 69 (1) or Item 7 of Article 71 (1) of the Judiciary System Act until the entry into force of this Act, shall be reinstated by decision of the respective general assembly.

.....  
FINAL PROVISION  
to the Act to Amend and Supplement the Judicial System Act  
(SG No. 65/2017)

§ 7. Within 30 days from the entry into force of this Act, all judges, prosecutors and investigating magistrates, the members of the Supreme Judicial Council, the Inspector General and the inspectors of the Inspectorate with the Supreme Judicial Council shall submit to the respective chamber of the Supreme Judicial Council a declaration under sentence one of Article 195a (1) [of the Judicial System Act].

FINAL PROVISION  
to the Act to Amend and Supplement the Judicial System Act  
(SG No. 90/2017)

§ 20. Paragraphs 15, 16, 17, 18 and 19 shall enter into force as of 1 January 2018.

TRANSITIONAL AND FINAL PROVISIONS  
to the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Act

(SG No. 7/2018)

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§ 60. The Judicial System Act (promulgated in the State Gazette No. 64 of 2007; amended in Nos. 69 and 109 of 2008, Nos. 25, 33, 42, 102 and 103 of 2009; No. 59 of 2010, Nos. 1, 23, 32, 45, 81 and 82 of 2011; [modified by] Constitutional Court Decision No. 10 of 2011, [promulgated in] No. 93 of 2011; amended in Nos. 20, 50 and 81 of 2012, Nos. 15, 17, 30, 52, 66, 70 and 71 of 2013, Nos. 19, 21, 53, 98 and 107 of 2014, No. 14 of 2015, Nos. 28, 39, 50, 62 and 76 of 2016, No. 13 of 2017; [modified by] Constitutional Court Decision No. 1 of 2017, [promulgated in] No. 14 of 2017; amended in Nos. 63, 65, 85 and 90 of 2017) shall be amended and supplemented as follows:

.....  
4. In the Act, the words "Article 2 of the Conflict of Interest Prevention and Ascertainment Act" shall be replaced passim by "Article 52 of the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Act".

.....  
TRANSITIONAL AND FINAL PROVISIONS  
to the Act to Amend and Supplement the Judicial System Act  
(SG No. 49/2018)

§ 23. Within one month of the entry of this Act into force judicial officers shall submit declarations to the effect that they satisfy the requirements for occupying their respective positions under Paragraph (1) of Article 340a and declarations of incompatibility under Paragraph (2) of Article 340a.

§ 24. Any extraordinary appraisal procedures which have started prior to the entry of this Act into force in connection with competitions for promotion or transfer and competitions for the election of administrative heads in judicial authorities shall be completed in accordance with the hitherto effective procedure.

TRANSITIONAL AND FINAL PROVISIONS  
to the Act to Amend and Supplement the Personal Data Protection Act  
(SG No. 17/2019)

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§ 121. The regulations referred to in Article 55(8) of the Judiciary System Act shall be brought into conformity with this Act within two months from the entry into force of this Act.

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TRANSITIONAL PROVISIONS  
to the Act to Amend and Supplement the Judicial System Act  
(SG No. 29/2019)

§ 22. Any competitions for junior judges and junior prosecutor and any competitions for initial appointment to the judicial authorities, commenced until the entry into force of this Act, shall be completed according to the hitherto effective terms and procedure.

§ 23. Any competition for promotion and transfer in the judicial authorities, commenced until the entry into force of this Act, shall be completed according to the hitherto effective terms and procedure.