

JUDICIARY SYSTEM ACT

Prom. SG. 64/7 Aug 2007, amend. SG. 69/5 Aug 2008, amend. SG. 109/23 Dec 2008, amend. SG. 25/3 Apr 2009, amend. SG. 33/30 Apr 2009, amend. SG. 42/5 Jun 2009, amend. SG. 102/22 Dec 2009, amend. SG. 103/29 Dec 2009, amend. SG. 59/31 Jul 2010, amend. SG. 1/4 Jan 2011, amend. SG. 23/22 Mar 2011, amend. SG. 32/19 Apr 2011, amend. SG. 45/14 Jun 2011, amend. SG. 81/18 Oct 2011, amend. SG. 82/21 Oct 2011, amend. SG. 93/25 Nov 2011, amend. SG. 20/9 Mar 2012, amend. SG. 50/3 Jul 2012, amend. SG. 81/23 Oct 2012, amend. SG. 15/15 Feb 2013, amend. SG. 17/21 Feb 2013, amend. SG. 30/26 Mar 2013, suppl. SG. 52/14 Jun 2013, amend. SG. 66/26 Jul 2013, suppl. SG. 70/9 Aug 2013, amend. SG. 71/13 Aug 2013, amend. SG. 19/5 Mar 2014, amend. SG. 21/8 Mar 2014, amend. SG. 53/27 Jun 2014, amend. SG. 98/28 Nov 2014, amend. SG. 107/24 Dec 2014, amend. SG. 14/20 Feb 2015, amend. and suppl. SG. 28/8 Apr 2016, amend. SG. 39/26 May 2016, amend. SG. 50/1 Jul 2016, amend. and suppl. SG. 62/9 Aug 2016, amend. SG. 76/30 Sep 2016, amend. SG. 13/7 Feb 2017, amend. SG. 14/10 Feb 2017, amend. and suppl. SG. 63/4 Aug 2017, amend. and suppl. SG. 65/11 Aug 2017, amend. SG. 85/24 Oct 2017, amend. and suppl. SG. 90/10 Nov 2017, amend. and suppl. SG. 103/28 Dec 2017, amend. and suppl. SG. 7/19 Jan 2018, amend. SG. 15/16 Feb 2018, amend. and suppl. SG. 49/12 Jun 2018, amend. and suppl. SG. 77/18 Sep 2018, amend. and suppl. SG. 17/26 Feb 2019, amend. SG. 19/5 Mar 2019, amend. and suppl. SG. 29/8 Apr 2019, suppl. SG. 64/13 Aug 2019, amend. SG. 83/22 Oct 2019, amend. and suppl. SG. 11/7 Feb 2020, amend. and suppl. SG. 86/6 Oct 2020, suppl. SG. 103/4 Dec 2020, amend. and suppl. SG. 109/22 Dec 2020, amend. SG. 110/29 Dec 2020, amend. and suppl. SG. 16/23 Feb 2021, amend. SG. 41/18 May 2021, amend. SG. 43/21 May 2021, amend. SG. 80/24 Sep 2021, amend. SG. 15/22 Feb 2022, suppl. SG. 24/25 Mar 2022, amend. and suppl. SG. 32/26 Apr 2022, amend. SG. 56/19 Jul 2022, amend. and suppl. SG. 62/5 Aug 2022

Chapter one.

GENERAL PROVISIONS

Art. 1. This Act shall regulate the structure and the principles of activity of the judicial system authorities and the interaction between them, as well as the interaction between the judiciary authorities and the authorities of the legislature and the executive.

Art. 1a. (new - SG 28/16) (1) The judiciary is a state authority protecting the rights and the legal interests of the citizens, the legal persons and the state.

(2) The judiciary is independent.

(3) The justice shall be exercised in the name of the people.

Art. 2. The judiciary authorities shall follow the **Constitution** and the principles laid down in this Act.

Art. 3. When delivering their acts the judges, the prosecutors and the investigators shall stand on the law and on the evidence collected in the lawsuit.

Art. 4. The judiciary authorities shall exercise their functions impartially.

Art. 5. (1) The citizens and the legal persons shall have the right to information about the work of the judiciary.

(2) The judiciary authorities shall be obliged to ensure openness, accessibility and transparency of their actions under the order of this Act and of the procedural laws.

(3) The judiciary authorities shall interact with the legislative and executive authorities to ensure comprehensive and complete protection of the rights of the citizens and the legal persons and to conduct the penal policy of the state.

Art. 6. In exercising their activity the judges, the prosecutors and the investigators shall be politically neutral.

Art. 7. (1) Everyone shall be entitled to a fair and public lawsuit of reasonable duration by an independent and impartial court.

(2) The citizens and the legal persons shall be entitled to legal defence which may not be refused to them.

(3) Under terms and following a procedure laid down in an Act the citizens may be granted legal assistance financed by the state.

Art. 8. (1) The judiciary authorities shall apply the laws strictly and equally to all persons and cases they are related to.

(2) In exercising the judiciary functions, as well as when occupying positions in the judiciary authorities, no rights restrictions or privileges based on race, nationality, ethnicity, sex, origin, religion, education, beliefs, political affiliation, personal and social status or economic status shall be admitted.

Art. 9. (1) (Suppl. - SG 11/20) The distribution of the cases and the files among the judiciary authorities shall be made on the principle of the random selection through even electronic distribution according to the sequence of their lodging subject to the requirements of **Art. 360b**.

(2) (suppl. - SG 109/08; amend. - SG 01/11, in force from 04.01.2011) In the courts the principle of random selection for distribution of the cases shall apply within the colleges or the chambers, and in the prosecution authority and the National Investigation Service – within the divisions.

Art. 10. (1) The judicial proceedings on civil and criminal cases shall have three instances – first instance, appellate and cassation, unless otherwise provided in a law.

(2) The judicial proceedings on administrative cases shall have two instances – first instance and cassation.

(3) The judicial acts, which have entered into force, shall be overturned only in the cases provided in a law.

Art. 11. (1) The higher instance shall control the acts of the lower instance only in the cases and under the order provided for in a law.

(2) The same judge may not participate in consideration of a case at different instances.

Art. 12. (1) (Suppl. - SG 11/20) The judiciary authorities shall be obliged to consider and resolve in compliance with the law any request filed with them, whereby the use of threat, insulting or obscene words or qualifications is unacceptable.

(2) The terms, established in the procedural laws, which concern the exercise of the powers of judges, prosecutors and investigators, shall be mandatory for them but shall not affect the rights of the parties to the lawsuit.

Art. 13. The proceedings before the judiciary authorities shall be in Bulgarian.

Art. 14. (1) The records shall be drafted in Bulgarian.

(2) In case that some words or expressions in a foreign language are significant to the lawsuit, their entry in the record may be admitted.

Art. 15. When an Act is considered to be contradictory to the **Constitution of the Republic of Bulgaria**, the court shall notify the Supreme Court of Cassation or the Supreme Administrative Court, and the prosecutors and investigators – the Chief Prosecutor.

Chapter two. **SUPREME JUDICIAL COUNCIL**

Section I. **Legal Status and Composition of the Supreme Judicial Council**

Art. 16. (amend. - SG 28/16) (1) The Supreme Judicial Council shall represent the judiciary, ensure and defend its independence, determine the composition and organization of the work of the courts, prosecution and investigation authorities, secure financially and technically their activities, without intervening in their exercising.

(2) The Supreme Judicial Council operates on permanent basis, it is a legal person seated in Sofia. It is represented by one of its elected members determined in a decision of the plenum of the Supreme Judicial Council.

(3) The National Assembly shall elect eleven members of the Supreme Judicial Council, of which six - for the judges collegium, and five - for the prosecutors collegium. The collegia elections shall be among judges, prosecutors, investigators, academicians in legal sciences, BAR members or other lawyers with high professional and moral qualities in accordance with their professional qualification and direction.

(4) The judges shall elect among themselves six members of the Supreme Judicial Council for the judges collegium. The prosecutors shall elect among themselves four members of the Supreme Judicial Council for the prosecutors collegium. The investigators shall elect among themselves one member of the Supreme Judicial Council for the prosecutors collegium.

(5) The Supreme Judicial Council shall have a round seal with a depiction of the coat of arms of the Republic of Bulgaria and with the words "Republic of Bulgaria. Supreme Judicial Council".

Art. 17. (1) (new – SG 01/11, in force from 04.01.2011) As members of the Supreme Judicial Council may be elected lawyers with high professional and moral qualities, having at least 15 years of legal service.

(2) (prev. text of Para 01, suppl. – SG 01/11, in force from 04.01.2011; revoked - SG 28/16)

(3) (prev. text of Para 02, suppl. – SG 01/11, in force from 04.01.2011; revoked - SG 28/16)

Art. 18. (1) None of the elective members of the Supreme Judicial Council may:

1. be a national representative, mayor or municipal councillor;
2. (suppl. - SG 28/16) occupy a position in other state or municipal authorities;
3. (suppl. - SG 33/09) exercise merchant activity or be a partner, a manager or participate in supervisory, management boards or boards of directors or in control boards of companies, cooperatives or non-profit legal persons exercising economic activity, except those of the professional associations of judges, prosecutors and investigators;

4. (suppl. - SG 33/09; amend. and suppl. - SG 62/16, in force from 09.08.2016) receive

remuneration for exercising any activity under a contract or under official legal relations with a state or municipal organization, a company, cooperative, non-profit legal person, natural person or a sole entrepreneur, except for scientific or educational activity or for exercising copyright, and also for participation in international projects and projects financed by the European Union;

5. exercise liberal profession or other paid professional activity;

6. be a member of political parties or coalitions, of organizations with political goals, carry out political activity, as well as be a member of organizations or exercise activities impairing their independence;

7. be a member of syndicate organizations out of the judiciary system;

8. has been convicted of a crime, regardless of the rehabilitation, as well as released from criminal liability for a deliberate crime;

9. (suppl. - SG 11/20) be a spouse, relative of direct lineage, of peripheral lineage of up to fourth degree or a relative-in-law – up to third degree inclusive, or in cohabitation with another member of the Supreme Judicial Council, with an administrative head of a judiciary authority, appointed by the respective college of which he is a member, or with the Minister of Justice;

10. (new – SG 103/09, in force from 29.12.2009) is disciplinary discharged from the office of an elective member of the Supreme Judicial Council;

11. (new - SG 62/16, in force from 09.08.2016) be a person who is found to be in conflict of interest in a decision in force less than a year before the election.

(2) An elective member shall be dismissed by the Supreme Judicial Council, if he does not vacate the position or discontinue the activity referred to in Para 1 within one month from the election.

Art. 19. (amend. – SG 50/12) (1) The National Assembly shall elect members of the Supreme Judicial Council not later than one month before the expiration of the mandate of elected members.

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

(3) (new - SG 103/17, in force from 01.01.2018) The Administration of the National Assembly officially establishes the circumstances under **Art. 18, para. 1, item 8**.

(4) (amend. - SG 28/16, prev. para. 3 - SG 103/17, in force from 01.01.2018) Nominations of members of the Supreme Judicial Council, elected by the National Assembly, shall be made by Members of Parliament for each collegium no later than two months prior to conducting the election before the committee under para 2. The nominations shall be accompanied by:

1. detail written reasoning of the professional and moral qualities of the candidates, including opinions expressed by professional, academic and other organisations;

2. documents proving a higher education degree in Law, documents related to the compatibility requirements, and documents of legal service and career development of the candidate.

(5) (amend. - SG 28/16, prev. para. 4 - SG 103/17, in force from 01.01.2018) The nominations shall be made after the written consent of each candidate.

(6) (prev. para. 5, amend. - SG 103/17, in force from 01.01.2018) The nominations together with the candidate's detailed curriculum vitae and the documents under para. 4 shall be published on the National Assembly's [website](#) within three working days from the date of receipt. The name and reasons of the member of parliament who made the respective nomination shall be published there.

(7) (prev. para. 6, amend. - SG 103/17, in force from 01.01.2018, amend. - SG 17/19) The nominations and documents under para. 4 shall be published in accordance with the requirements for the protection of personal data and the **Protection of Classified Information Act**.

Art. 19a. (new – SG 50/12) (1) (amend. - SG 28/16, amend. - SG 7/18) Within 14 days from the publication of nominations, each candidate shall provide the election committee with a written conception as regards his or her work as a Supreme Judicial Council member. Within the same time limit, candidates for

Supreme Judicial Council members shall also submit a declaration of property status and the source of funds for acquisition of the property, as well as a declaration on private interest in the sense of **Art. 52 of the Act on Counteracting Corruption and on Seizure of Illegally Acquired Property**, by means of a template proposed jointly by the committee and the plenum of the Supreme Judicial Council and approved by the Minister of Justice. All concepts and declarations shall be published on the [website](#) of the National Assembly no later than three working days from the expiry of the term referred to in the first sentence.

(2) Non-profit legal persons registered to operate in the public interest, higher education institutions and scientific organisations may submit opinions about a candidate to the committee, including questions to be asked, no later than 7 days prior to the hearing. Anonymous opinions and alerts shall not be taken into consideration. The opinions and questions submitted to the committee shall be published on the National Assembly's website no later than three working days from the date of submission thereof. Specific data representing classified information and facts related to candidates' personal life shall not be published.

(3) (amend. - SG 28/16) The committee shall hear each candidate who is to present the conception under para 1. The hearing shall be scheduled and announced by the committee no later than one month prior to the scheduled hearing date. The hearing shall be conducted at an open session of the committee no later than 14 days prior to the election. A verbatim report shall be drawn up for the hearing and shall be published on the National Assembly's website. With view to the received opinions referred to in Para 2 the committee members may request also additional documents to be filed by the candidates.

(4) (suppl. - SG 28/16) The committee shall draft a detailed and reasoned report on the professional and moral qualities of the candidates with which to put forward the nominations to the National Assembly for discussion and vote. The report shall include an opinion on the presentation of the candidate following the hearing before the commission, conclusions concerning:

1. the minimum legal requirements to occupy the position;
2. the availability of data that calls into question the candidate's moral qualities, qualification, experience and professional qualities;
3. the specific background, qualities and motivation for the position concerned;
4. the public reputation and public support of the candidate.

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

Art. 19b. (new – SG 50/12; suppl. - SG 28/16) (1) The National Assembly shall elect each member of the Supreme Judicial Council on a case-by-case basis with a majority of two thirds of the members of the parliament.

Art. 20. (amend. – SG 50/12; amend. - SG 28/16) (1) The judicial authorities shall elect Supreme Judicial Council members in the collegiums no later than one month prior to expiry of the mandate of the elected members.

(2) The members of the Supreme Judicial Council from the judiciary quota shall be elected directly through secret voting respectively by the judges, the prosecutors and the investigators as set out in Section I "a".

Art. 21. (amend. – SG 50/12; revoked - SG 28/16)

Art. 21a. (new – SG 50/12; revoked - SG 28/16)

Art. 21b. (new – SG 50/12; revoked - SG 28/16)

Art. 22. (amend. – SG 50/12; revoked - SG 28/16)

Art. 22a. (new – SG 50/12; revoked - SG 28/16)

Art. 23. (revoked - SG 28/16)

Art. 24. (amend. – SG 50/12; revoked - SG 28/16)

Art. 25. (revoked - SG 28/16)

Art. 26. (revoked - SG 28/16)

Art. 26a. (new – SG 01/11, in force from 04.01.2011, declared unconstitutional by Decision of the Constitutional Court № 10 of 2011 – SG 93 of 2011) (1) **The Supreme Judicial Council members shall undertake the required steps to be granted access to classified information.**

(2) **Members of the Supreme Judicial Council, who have not been granted access, may not participate in meetings, involving consideration of materials and documents, containing classified information, and shall not get acquainted with them.**

Art. 27. (1) Any elective member of the Supreme Judicial Council shall be dismissed before expiration of his mandate on the grounds referred to in **Art. 130, Para 8 of the Constitution of the Republic of Bulgaria**, as well as in case of established incompatibility of the positions or activities under **Art. 18, Para 1.**

(2) (amend. - SG 28/16) In the cases of Art. 130, Para 8, Item 1 of the Constitution of the Republic of Bulgaria the plenum of the Supreme Judicial Council shall announce the resignation of an elective member on the first session after its submission.

(3) (new – SG 103/09, in force from 29.12.2009) The mandate of an elective member of the Supreme Judicial Court may not be terminated before the term due to application for resignation on the grounds of Art. 130, par. 8, item 1 of the Constitution of the Republic of Bulgaria, should a disciplinary proceedings have commenced against him/her for imposition of a punishment – disciplinary discharging from the office under **Art. 308, par. 3**, up to finalization of the proceedings.

(4) (prev. par. 3; amend. – SG 103/09, in force from 29.12.2009; amend. - SG 28/16; amend. - SG 62/16, in force from 09.08.2016) The early dismissal procedure on the grounds of Art. 130, Para 8, Items 2 – 4 of the Constitution of the Republic of Bulgaria or in case of established incompatibility of positions of an elective member of the Supreme Judicial Council shall be opened upon request of at least one fifth of the members of the plenum of the Supreme Judicial Council or of three members of the corresponding collegium.

(5) (prev. par. 4; amend. – SG 103/09, in force from 29.12.2009) The early dismissal procedure on the grounds of Art. 130, Para 8, Items 2 – 4 of the Constitution of the Republic of Bulgaria or in case of established incompatibility of positions of a member of the Supreme Judicial Council, elected by the National Assembly may be initiated also upon request of one fifth of the national representatives.

(6) (prev. par. 5; amend. – SG 103/09, in force from 29.12.2009; amend. - SG 28/16) The early dismissal procedure on the grounds of Art. 130, Para 8, Items 2 - 4 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, the prosecutors or the investigators may be initiated at the request of respectively one fifth of the active judges, prosecutors or investigators.

(7) (new - SG 28/16) The decision of the plenum of the Supreme Judicial Council for early termination of the mandate of a member of it shall be stated within one month from submission of the request under Para 4, 5 or 6 and shall be adopted with majority of not less than seventeen votes.

Art. 28. (Amend. – SG 01/11, in force from 04.01.2011; amend. - SG 62/16, in force from 09.08.2016) (1) (suppl. - SG 65/17, amend. - SG 11/20, amend. – SG 86/20, declared unconstitutional with

respect to the words "or on a position of equal rank" with Decision of the Constitutional Court № 6 of 2021 - SG 43/21, amend. – SG, 32/22, in force from 26.04.2022) With the expiry of the mandate of its early termination, as set out in **Art. 130, Para 1, Item 8** of the Constitution of the Republic of Bulgaria, the elective member of the Supreme Judicial Council, having submitted an application to the relevant college within 14 days from the day of expiration or early termination of the mandate, shall be reinstated at the post of judge, prosecutor or investigator **or on a position of equal rank**, held before the election. The time the person has spent as a member of the Supreme Judicial Council shall be counted as service under **Art. 164, Para 1 – 7**.

(2) Within one month from the restoration in the position under Para 1 the members of the Supreme Judicial Council with expired or early terminated mandate shall be subject to a performance appraisal according to a methodology adopted by the plenum of the Supreme Judicial Council. The appraisal shall become part of the magistrate attestation for the period before inauguration as a member of the Supreme Judicial Council.

Art. 29. (amend. - SG 28/16) (1) The elective members of the Supreme Judicial Council shall not receive remuneration for their work in commissions at the Council.

(2) (Suppl. - SG 11/20, amend. – SG, 32/22, in force from 26.04.2022) The provisions of **Art. 218, Para 1, Art. 219, Art. 221, Art. 224** and **330** shall apply to the elective members of the Supreme Judicial Council.

(3) (new – SG 62/16, in force from 09.08.2016, repealed – SG, 32/22, in force from 26.04.2022)

Section I "a".

Direct Election of Members of the Supreme Judicial Council by the Judges, the Prosecutors and the Investigators (New - SG 28/16)

Art. 29a. (new - SG 28/16) (1) The general assembly of the judges for election of Supreme Judicial Council members shall be summoned jointly by the chairman of the Supreme Court of Cassation and the chairman of the Supreme Administrative Court.

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

(3) The general assembly of the investigators for election of Supreme Judicial Council members shall be summoned by the Chief Prosecutor.

(4) The summons for the general meetings shall indicate the date, place and time of convening them.

(5) The general assemblies shall be summoned not earlier than eight months and not later than six months before the expiry of the mandate of the Supreme Judicial Council or within 7 days of the early dismissal of an elective member of the Supreme Judicial Council. When the assemblies are not summoned by the persons under Para 1, 2 or 3 within 7 days of expiry of the term, the Minister of Justice shall summon the general meeting and determine the date, place and time of its convening.

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

Art. 29b. (new - SG 28/16) (1) The plenum of the Supreme Judicial Council, at the proposal of the respective collegia and following a consultation with the judiciary authorities, shall adopt rules of conducting elections for members of the Supreme Judicial Council by the judges, prosecutors and investigators, which shall be published on the [website](#) of the Supreme Judicial Council and apply to all elections.

(2) The plenum of the Supreme Judicial Council shall approve a sample of the election protocols and a technical sample of the ballots not later than thirty days before the election date.

(3) The ballots shall be white, made of dense non-transparent paper, which does not permit revealing of the voting secret.

Art. 29c. (new - SG 28/16) (1) Nominations for elective members of the Supreme Judicial Council from the judges, prosecutors and investigators may be proposed respectively by each judge, prosecutor or investigator no later than two months before the election.

(2) (amend. - SG 7/18) The proposals shall be made in writing and shall be reasoned in terms of the personal, professional and moral qualities of the candidate. The nomination shall be accompanied by a written consent of the candidate under **Art. 19, Para 5**.

(3) The nominations with the reasons thereto and the names of the nominators shall be announced on the [website](#) of the Supreme Judicial Council within three days from their receipt.

(4) (amend. - SG 7/18) Within 14 days from the announcement of the nominations the candidates shall submit in writing detailed autobiography, their motivation and conception on the activities of the Supreme Judicial Council as well as documents for compliance with the requirements of the law. Within the same term the candidates shall submit a declaration related to incompatibility or any circumstances that may lead to a private interest in the sense of **Art. 52 of the Act on Counteracting Corruption and on Seizure of Illegally Acquired Property** in taking decisions, of their ownership status and the origin of the funds for acquiring their property under **Art. 19a, Para 1**.

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

Art. 29d. (new - SG 28/16) (1) For each nomination the respective collegium of the Supreme Judicial Council shall request from the Inspectorate at the Supreme Judicial Council detailed information for all checks.

(2) Within 14 days from the announcement of each nomination as set out in **Art. 29c, Para 3** the respective collegium of the Supreme Judicial Council shall publish on its [website](#) the documents under Para 1 and the documents of each candidate from his service file referred to in **Art. 30a, Para 2**.

(3) The judges collegium of the Supreme Judicial Council shall decide on the admissibility of each nomination in terms of the required education, legal service and the submission of the required documents regarding the candidate judges for members of the Supreme Judicial Council, and the prosecutors collegium - regarding the candidate prosecutors and investigators, within seven days of expiry of the term under Para 2. The decisions shall be immediately announced on the website of the Supreme Judicial Council.

(4) The decisions on the admissibility of the nominations may be appealed within three days of their announcement under Para 3 through the corresponding collegium of the Supreme Judicial Council before a panel comprised of three judges of the Supreme Court of Cassation and two judges of the Supreme Administrative Court, determined on the principle of random selection through electronic distribution. The decision shall be pronounced within 7 days from submission of the appeal and shall be final.

(5) Within three days from entry into force of the decisions on the admissibility the collegia of the Supreme Judicial Council shall draw up lists with the names and the position of all nominees admitted to participation in the elections of members of the Supreme Judicial Council.

(6) (Amend. - SG 17/19) The publication of the documents shall be made in compliance with the requirements for the protection of personal data and the **Act on Protection of Classified Information**.

Art. 29e. (new - SG 28/16) (1) Within 14 days from scheduling of the election the collegia of the Supreme Judicial Council shall prepare lists of the active judges, prosecutors and investigators, which shall serve as election lists.

(2) Within three days from the publication of the list, each judge, prosecutor or investigator may request from the corresponding collegium of the Supreme Judicial Council to be entered in the list. The collegium shall decide within three days from submission of the request, which decision shall not be subject to appeal.

(3) In the day of the elections each active judge, prosecutor or investigator may exercise his voting rights by presenting a certificate from his administrative head of the position he holds and shall be added to

the election lists.

Art. 29f. (new - SG 28/16) The plenum of the Supreme Judicial Council shall organise the printing of ballots containing the full name of all admitted nominees in alphabetical order, as well as their position.

Art. 29g. (new - SG 28/16) (1) The general assembly shall be convened in two consecutive Saturdays.

(2) On the first Saturday the general assembly shall elect an election committee and election sections and shall hear the nominees. The general assembly shall be convened if more than the half of the judges, prosecutors or investigators in the corresponding list referred to in **Art. 29e** are present. In case of lack of quorum the assembly shall be postponed for an hour and shall be convened regardless of the number of present. The assemblies shall be public and shall be broadcast live on the [website](#) of the Supreme Judicial Council.

Art. 29h. (new - SG 28/16) (1) The election committee of the judges shall comprise nine regular and four reserve members, the election committee of the prosecutors - seven regular and four reserve members, and the election committee of the investigators - five regular and three reserve members.

(2) The election sections shall comprise three regular and two reserve members. For every five hundred judges, prosecutors or investigators shall be created one election section, and the remainders of less than five hundred people shall be allocated equally between the election sections.

(3) The members of the election committees or the election sections cannot be nominees, spouses of a nominee, relatives of direct lineage, of indirect lineage of up to fourth degree or to be in concubinage with a nominee for a Supreme Judicial Council member.

(4) The members of the election committees and the elections sections may not be spouses or concubines, relatives of direct lineage or indirect lineage of up to fourth degree between each other.

(5) The members of the election committees shall choose among themselves a chairman and a deputy chairman, and the members of the election sections - a chairman.

Art. 29i. (new - SG 28/16) (1) The nominees in the lists referred to in **Art. 29d, Para 5** shall be heard in alphabetical order.

(2) Opinions on the nominees and questions to them may be submitted to the respective collegium of the Supreme Judicial Council by judges, prosecutors, investigators, non-profit legal persons operating for public benefit not later than 14 days before the date of convening the general assembly.

(3) Within three days from their submission the opinions and the questions shall be published on the [website](#) of the Supreme Judicial Council. Shall not be published data containing classified information and facts of the personal life of the nominees.

(4) Questions to the nominees may be asked by the members of the general assembly and of the committee, including such based on the opinions referred to in Para 2. The committee shall raise all submitted questions.

Art. 29j. (new - SG 28/16) (1) After the hearing of the nominees the elections shall continue on the subsequent Saturday. They shall take place between 8:00 h and 18:00 h. When at 18:00 h there are judges, prosecutors or investigators who have not voted in front of the election section, the chairman of the election section shall determine their number and identity.

(2) The election shall be deemed valid, if more than the half judges, respectively prosecutors or investigators in the lists referred to in **Art. 29e** have voted.

(3) If the requirements referred to in Para 2 are not fulfilled, another election shall take place on the next day. The election shall be deemed valid, if at least 33 percent of those entitled to vote have voted.

(4) If repeated voting under **Art. 29k, Para 4** is necessary during the second election, it shall take place on the next day.

(5) If all Supreme Judicial Council members nominated by the respective general assembly were elected in the day of holding the vote under Para 1, the assembly shall be closed.

Art. 29k. (new - SG 28/16) (1) The voting shall be secret and shall be done with a paper ballot according to a sample approved by the plenum of the Supreme Judicial Council, which shall be dropped in

an election box.

(2) Valid shall be the bulletins, which:

1. are in accordance with the approved sample;
2. contain selections of the required number or less nominees for the judicial or prosecution collegium, elected by the general assembly;
3. bear two seals from the respective election section; the seal shall contain the name and the number of the election section;
4. do not contain special symbols such as letters, numbers or other signs;
5. contain selection of the nominee with the "X" or "V" mark by a pen in blue.

(3) Elected shall be deemed the nominees who have received more than a half of the valid votes. If the nominees meeting this requirement are more than the number of members elected by the respective general assembly, elected shall be deemed only those with the highest number of votes.

(4) Where the voting did not elect the required number of members under Para 3, the election shall continue on the next day by conducting a repeated vote. Where the repeated vote did not elect the required number of members with the required majority, elected shall be deemed those with the highest number of votes.

(5) If the election committee did not manage to print new ballots, excluding the nominees elected under Para 3, the voting shall take place with the initial ballots. In such case the votes cast for these nominee shall not be taken into account in determining the validity of the ballot and of the election results.

(6) In case of equal number of votes the elected nominee(s) shall be determined by the election committee by lot conducted in the presence of the interested nominees.

Art. 29l. (new - SG 28/16) (1) All stages of the election process may be attended by observers, who shall be explicitly authorised representatives of non-profit legal persons for public benefit, and shall be registered by the respective collegium of the Supreme Judicial Council before the elections date.

(2) The respective collegium of the Supreme Judicial Council shall register the non-profit legal persons for public benefit wishing to participate through authorised representatives as observers in the elections.

(3) The registration of the organisation referred to in Para 2 shall take place after submission of an application signed by the person representing the organisation in accordance with its current judicial registration or by an explicitly person authorised by him.

(4) The application referred to in Para 3 shall be accompanied by:

1. a current certificate of legal standing;
2. an explicit power of attorney of the person representing the organisation, where the documents are filed by an attorney;
3. a list signed by the representative of the organisation or a person explicitly authorised by him, containing the names and the unified civil number, or another identity number of the persons who are not Bulgarian citizens, which are to be registered as observers;
4. powers of attorney of the explicitly authorised representatives of the organisation, which are to be registered as observers; the representatives of the non-profit legal persons for public benefit may be authorised by virtue of a general power of attorney.

Art. 29m. (new - SG 28/16) (1) The opening of the ballot boxes and the counting of the ballots shall be public and shall be performed by the election sections immediately after the end of the voting.

(2) For the voting results each of the sections shall prepare a protocol in two copies, in which shall be entered the total number of voters, the valid and invalid ballots; the ballots filed for each of the nominees. The protocol shall be signed by the chairman and the members of the election section.

(3) On the basis of the protocols referred to in Para 2 the election committee shall issue a decision on the election results, which shall include the names of the elected members in the respective collegium and the number of the votes that elected them, and shall be signed by the chairman and the members of the election committee. Integral part of the decision of the election committee shall be the protocols of the

election sections. The decision and the protocols shall be immediately published on the [website](#) of the Supreme Judicial Council.

(4) The decision of the election committee declaring the election result may be appealed within 7 days from its publication before the panel referred to in **Art. 29d, Para 4**.

(5) The appeal shall be filed through the corresponding collegium of the Supreme Judicial Council, which shall forward the entire file to the panel under Para 4 within three days.

(6) (Suppl. - SG 11/20) The panel shall examine the appeal pursuant to the **Administrative-procedure Code** in an open court hearing by summoning the appellant and a representative of the election committee and shall issue a decision within 14 days, which shall be final.

(7) The ballots shall be arranged and sealed in the ballot boxes. They shall be stored until the entry into force of the decision, in which the election committee declares the election results, and shall be destroyed following a decision of the plenum of the Supreme Judicial Council after the newly elected members assume office.

(8) The decision of the election committee and the protocols of the election sections shall be kept 5 years as from the election day.

Art. 29n. (new - SG 28/16) (1) If the election is declared unlawful, a new election shall be carried out within one month.

(2) The election date shall be determined by the persons under **Art. 29a, Para 1 - 3** and shall be notified to the judges, prosecutors and investigators under the procedure of summoning the general assembly.

(3) The new election shall be conducted in accordance with the rules for the regular elections.

Art. 29o. (new - SG 28/16) (1) The organisational and technical preparation for the meetings shall be carried out by the administration of the Supreme Judicial Council.

(2) The expenses for conducting the meetings shall be for the account of the budget of the Supreme Judicial Council.

Art. 29p. (new - SG 28/16) In case of early dismissal of an elected member of the Supreme Judicial Council, the election of a new member shall be scheduled as set out in the present Section.

Section II.

Activity and Organization of the Supreme Judicial Council

Art. 30. (Amend. - SG 28/16) (1) The Supreme Judicial Council shall exercise its competences through a plenum, a judicial and a prosecution collegium.

(2) The Supreme Judicial Council plenum shall consist of all of its members and shall have the following competences:

1. adopts the budget of the Judiciary;
2. adopts decision on termination of the mandate of an elected member of the Supreme Judicial Council under the conditions of **Art. 130, Para 8 of the Constitution**;
3. organises the qualification of the judges, prosecutors and investigators;
4. hears and adopts the annual reports of the judiciary authorities under **Art. 84, Items 16 of the Constitution**;
5. manages the immovable properties of the Judiciary;
6. extends proposals to the President of the Republic of Bulgaria for appointing and dismissal of the chairman of the Supreme Court of Cassation, the chairman of the Supreme Administrative Court and the chief prosecutor;
7. at the proposal of one of the collegia, following co-ordination with the Minister of Justice or at the proposal of the Minister of Justice, and in respect of the military courts - following co-ordination with the Minister of Defence determines the number, the judicial regions and the seats of the regional, district, military, administrative and appellate courts and prosecution offices, create and close courts and prosecution offices, changes their seat and determines the settlements, where shall be opened territorial units at the

respective regional court of the respective regional prosecution office;

8. at the proposal of one of the collegia after co-ordinating with the administrative heads of the judiciary authorities determines the number of judges, prosecutors and investigators in all courts, prosecution offices and investigation units in accordance with the level of workload;

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

10. determines the remuneration of the judges, prosecutors and investigators;

11. prepares and submits to the National Assembly before 31 May an annual report of its activity accompanied by an annual report of the activity of the Inspectorate at the Supreme Judicial Council and by the annual reports of the Supreme Court of Cassation, the Supreme Administrative Court and the Chief Prosecutor;

12. prepares and published an annual report of the independency and transparency of the judiciary bodies activity and of its own activity, which submits for public consultation;

13. issues opinions to the Council of Ministers and the National Assembly on draft laws relating to the judiciary;

14. creates permanent and temporary commission in support of its activities;

15. adopts regulations on the organisation of its activities and the activities of the administration of the Supreme Judicial Council, which shall be promulgated in the State Gazette;

16. creates and maintains an electronic public register of all its decisions and the reasons thereto;

17. issues acts of secondary legislation in the cases provided by law;

18. approves the automated information systems of the judiciary authorities after co-ordination with the Minister of Justice and ensures their system integration and interoperability;

19. (new – SG 62/16, in force from 09.08.2016) create and maintain an electronic public register of all projects, which subject is the functioning of the judiciary authorities, implemented by the organisations under **Art. 217**;

20. (prev. text of Item 19 – SG 62/16, in force from 09.08.2016) resolves any other organisational questions common for the judiciary;

21. (new - SG 16/21) elects a prosecutor in the investigation against the Prosecutor General or his deputy;

22. (new - SG 62/22) elects the national member from the Republic of Bulgaria in the European Union Agency for Cooperation in the Field of Criminal Justice (Eurojust), his deputy and the national member's assistant based on a selection conducted according to rules adopted by the plenary session, and through the Minister of Justice notifies Eurojust and the European Commission of the selection.

(3) The judges collegium of the Supreme Judicial Council shall consist of 14 members and shall include the chairmen of the Supreme Court of Cassation and of the Supreme Administrative Court, six members directly elected by the judges, and six members elected by the National Assembly.

(4) The prosecutors collegium of the Supreme Judicial Council shall consist of 11 members and shall include the Chief Prosecutor, four members directly elected by the prosecutors, one member, directly elected by the investigators, and five members elected by the National Assembly.

(5) The judges collegium and the prosecutors collegium shall have separately and in accordance with their professional profile the following competences in respect of the judges, prosecutors and investigators:

1. appoint, promote, move and dismiss from office the judges, prosecutors and investigators;

2. (suppl. - SG 11/20) make periodical and other attestations and adopt a comprehensive evaluation mark following the attestation of the judges, prosecutors, administrative heads and their deputies in the judiciary authorities and decide on issues of acquiring and restoring irremovable status;

3. impose disciplinary sanctions - demotion or dismissal from office, of the judges, prosecutors, investigators, the administrative heads and their deputies in the judiciary bodies;

4. determine the number, appoint and dismiss the administrative heads and their deputies in the

judiciary bodies except the chairman of the Supreme Court of Cassation, the chairman of the Supreme Administrative Court and the Chief Prosecutor;

5. decide questions on the organisation of the activity of the judiciary by judiciary authorities;

6. extend proposals to the plenum of the Supreme Judicial Council to determine the number of judicial regions and the seats of the regional, district, administrative and appellate courts and the corresponding prosecution offices;

7. extend proposals to the plenum of the Supreme Judicial Council to determine the number of judges, prosecutors and investigators in all courts, prosecution offices and investigation units;

8. determine the number of judicial officials in accordance with the level of workload - at the proposal of or in coordination with the administrative heads of the judiciary authorities, and in respect of the bodies within the structure of the prosecution office of the Republic of Bulgaria - also with the Chief Prosecutor - with the power of opening new and closing positions;

9. organise and conduct the contests for judge, prosecutor and investigator positions in the cases stipulated by the law;

10. order the Inspectorate of the Supreme Judicial Council checks outside its annual activity programme;

11. propose to the plenum of the Supreme Judicial Council opinions on draft laws within the scope of their competence;

12. annually analyse and report the degree of workload of the judiciary authorities;

13. request and summarise every 6 months information from the courts, the prosecution office and the National Investigation Service of their activity;

14. create permanent and temporary commissions to support their activity;

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

16. adopt rules on their operation, which shall be published on the [website](#) of the Supreme Judicial Council;

17. the prosecutors collegium elects and dismisses the director of the National Investigation Service;

18. (new - SG 49/18) the judges collegium terminates the secondment of a judge to another judiciary authority, different from the one in which he holds the respective judge position, where during the secondment there are violations of the terms and conditions provided for in this Act or when there is a need for staff for the work of the judiciary authority from which the judge is seconded;

(19) (new - SG 103/20) the prosecutors collegium shall carry out selection of the candidates for European delegated prosecutors and through the Minister of Justice shall notify the European Chief Prosecutor about the nominated candidacies.

(6) The activities of the plenum and the collegia of the Supreme Judicial Council shall be supported by an administration.

Art. 30a. (new – SG 01/11, in force from 04.01.2011) (1) (amend. - SG 28/16) The collegia of the Supreme Judicial Council shall compile, keep and maintain a personnel file for every judge, prosecutor and investigator.

(2) (amend. - SG 28/16) The personnel file shall contain the documents related to assuming office and being discharged as a judge, prosecutor or investigator, to the professional development, inspection results related to received signals and appeals, stimuli – received honours and awards, and imposed penalties. The personnel file shall contain also the incompatibility declarations, copies of the attestation forms, the individual plans for professional development and the results of their performance and other documents about professional and moral qualities of the person.

(3) (new - SG 28/16) The individual plan for professional development of the judges, prosecutor or the investigator contains measures of specific training, for increasing his professional competence and skills

and overcoming deficiencies determined during assessment of his work in the course of an attestation, disciplinary or another applicable legal procedure, with his consent or at his request.

(4) (amend. - SG 28/16) The data in the personnel file related to the professional competence and related to the successful work performance of a judge, prosecutor or investigator, and the individual plans for training and professional development shall not be public. They shall not be used for a purpose other than the one explicitly provided by the law.

(5) (prev. text of Para 03, amend. - SG 28/16) Copies of the documents in the personnel file shall be stored in the judiciary authority, where the judge, prosecutor or investigator is appointed.

(6) (prev. text of Para 04 - SG 28/16) Every judge, prosecutor or investigator shall have the right to inspect his personnel file at request and to receive certified copies of the documents stored therein.

Art. 31. (revoked - SG 28/16)

Art. 32. (amend. - SG 33/09; amend. - SG 28/16) (1) The Minister of Justice shall chair the sessions of the plenum of the Supreme Judicial Council. He shall not take part in the voting. In the absence of the Minister of Justice the plenum of the Supreme Judicial Council shall be chaired by the representative of the Supreme Judicial Council, the chairman of the Supreme Court of Cassation, the chairman of the Supreme Administrative Court or by the Chief Prosecutor.

(2) The judges collegium of the Supreme Judicial Council shall be chaired by the chairman of the Supreme Court of Cassation, and in his absence - by the chairman of the Supreme Administrative Court or by the most senior member present. The prosecutors collegium of the Supreme Judicial Council shall be chaired by the Chief Prosecutor, and in his absence - by the most senior member present. The Minister of Justice may attend the meetings without participating in the voting.

(3) In case of absence of the Minister of Justice, the sessions of the plenum and the collegia may be attended by a deputy minister determined by him.

(4) The chief inspector may attend the meetings of the plenum of the Supreme Judicial Council and the meetings of the judges and prosecutors collegia of the Supreme Judicial Council without participating in the voting.

Art. 33. (1) (suppl. - SG 33/09; amend. - SG 28/16) The sessions of the plenum and the collegia of the Supreme Judicial Council shall be convened by the chair. The sessions of the plenum may be convened also at the request of each of the collegia of the Supreme Judicial Council. The sessions of the collegia may be convened also at the request of three members of the corresponding collegium.

(2) (suppl. - SG 28/16) The members of the plenum and the collegia of the Supreme Judicial Council, as well as the chief inspector shall be notified of the date of convention and of the agenda three days in advance and shall be also supplied with written materials for the session.

(3) (new - SG 28/16) The decisions of the plenum of the Supreme Judicial Council under **Art. 30, Para 2, Items 2 and 6** shall be adopted by majority of no less than seventeen votes, and the rest of the decisions - by majority of more than the half of the present members. The voting shall be always open.

(4) (amend. - SG 28/16, amend. and suppl. – SG, 29/19) The decisions of the collegia of the Supreme Judicial Council under **Art. 30, Para 5, Items 1 - 4** shall be adopted by majority of no less than eight votes - for the judges collegium, no less than six votes - for the prosecutors collegium, and the rest of the decisions - by majority of more than the half of the present members, except the decision under Art. 30, Para 5, Items 17. Where there is no necessary majority for adoption of a decision, it shall be deemed to be a rejection decision, subject to appeal under **Art. 36**. The voting shall always be open.

(5) (prev. text of Para 03, suppl. - SG 28/16) Any additions to the announced agenda may be made in the day of the session upon decision of the plenum or the respective collegium of the Supreme Judicial Council.

(6) (new - SG 28/16) The sessions of the plenum and of the collegia of the Supreme Judicial

Council shall be public and shall be broadcast directly on the web except in cases of discussing proposals form imposing disciplinary penalties or documents containing information classified under **the Act on the Protection of the Classified Information**.

(7) (prev. text of Para 05 - SG 28/16) The decisions, adopted at a closed meeting, shall be announced to the public.

Art. 34. (1) (amend. and suppl. - SG 28/16) The session of the plenum or the respective collegium of the Supreme Judicial Council shall take place, if more than a half of its members are present.

(2) (revoked - SG 28/16)

(3) (amend. - SG 28/16) The decisions of the plenum or the respective collegium shall be reasoned. As reasons of the decision accepting a proposal shall be deemed the reasons of its author and the observations of the members of the Supreme Judicial Council in its support. As reasons of a decision rejecting a proposal shall be deemed the negative observations of the members of the Supreme Judicial Council against it. The lack of reasons is sufficient ground to revoked the decision.

(4) (new - SG 28/16) "Abstained" voting shall not be allowed.

Art. 35. (amend. – SG 01/11, in force from 04.01.2011) (1) The members of the Supreme Judicial Council shall not be entitled to participate in voting a decision related personally to them or to a spouse of them or a relative of direct lineage, peripheral lineage of up to fourth degree or a relative-in-law of up to third degree, or where there are other circumstances questioning his neutrality.

(2) (amend. - SG 28/16) In the cases of Para 1 the member of the Supreme Judicial Council shall withdraw himself and shall announce the circumstances requiring his withdrawal.

(3) (declared non-constitutional in DCC No 10/11 – SG 93/11) **Where there is information about circumstances under Para 1 and the Supreme Judicial Council fails to withdraw himself, the Commission for Finding and Prevention of Conflicts of Interests in the Supreme Judicial Council shall draw up a report. Where the report establishes circumstances under Para 1, the Supreme Judicial Council member shall excluded pursuant to a decision of the Council and the circumstances requiring his exclusion shall be announced.**

(4) (revoked - SG 28/16)

Art. 36. (1) (suppl. - SG 28/16) The interested persons may contest the decisions of the plenum and of the collegia of the Supreme Judicial Council within 14 days from their announcement. The appeal shall not suspend the performance of the decision, unless otherwise ruled by the court.

(2) (Amend. – SG, 29/19) The appeal shall be considered by the Supreme Administrative Court, sitting with three members.

(3) (Amend. – SG, 29/19) The decision of the three-member sitting of the Supreme Administrative Court shall not be subject to a cassation appeal, with the exception of the cases, whose subject are the acts under **Art. 30. Para. 2, p. 17** and proceedings under **Chapter Sixteen, Section I**.

Art. 37. (amend. - SG 01/11, in force from 04.01.2011; amend. - SG 28/16) (1) The plenum of the Supreme Judicial Council shall elect from among its members a permanent “Budget” Commission and a permanent “Property Management” Commission. These committees shall include equal number of representatives from the judges and the prosecutors collegia.

(2) The plenum of the Supreme Judicial Council shall determine the number of the members and the composition of the committees referred to in Para 1 and the powers and rules on their operation shall be governed by the regulations referred to in **Art. 30, Para 2, Item 15**. Each committee shall elect a chairman from among its members.

(3) (Amend. - SG 11/20) The activities of the judges and prosecutors collegia shall be supported respectively by a permanent Commission on the Attestation and Contests and by a Commission on

Professional Ethics. The number of members, their composition and rules on operation shall be determined by the respective collegium of the Supreme Judicial Council. Each committee shall elect from among its members a Chairperson who is an elected member of the relevant panel of the Supreme Judicial Council.

(4) (Suppl. - SG 11/20) The composition of the Committee on the Attestation and Contests at the judges collegium shall include members of the collegium as well as members elected for a term of one year from judges active at the time of election with a rank or acting as judges at the Supreme Court of Cassation or at the Supreme Administrative Court. The administrative heads of the courts and their deputies may not be elected as committee members.

(5) The plenums of the Supreme Court of Cassation and of the Supreme Administrative Court shall elect judges meeting the conditions under Para 4, which shall participate in the Commission on the Attestation and Contests at the judges collegium.

(6) (Suppl. - SG 11/20) The composition of the Commission on the Attestation and Contests at the prosecutors collegium shall include members of the collegium as well as members elected for a term of one year of active at the time of election prosecutors and investigators with a rank or acting as prosecutors at the Supreme Prosecution Office of Cassation, the Supreme Administrative Prosecution Office or as investigators at the National Investigation Service. The administrative heads of the prosecution offices and their deputies may not be elected as committee members.

(7) The general assemblies of the Supreme Prosecution Office of Cassation and of the Supreme Administrative Prosecution Office shall elect prosecutors, and the general assembly of the investigators of the National Investigation Service shall elect investigators, meeting the conditions under Para 6, which shall participate in the Committee on the Attestation and Contests at the prosecutors collegium.

(8) (Amend. - SG 11/20) A judge, prosecutor or investigator cannot be elected as a member of the respective committee more than twice consecutively.

(9) (New - SG 11/20) Participation in the membership panel of the Committee on the Attestation and Contests with the relevant collegium at the Supreme Judicial Council of any Judges, prosecutors and investigators shall be taken into account when preparing the attestation of the judge, prosecutor or investigator concerned.

(10) (Previous Para. 9 - SG 11/20) The committees on professional ethics at the collegia shall conduct research, collect the required information and draw up opinions on the moral qualities of the candidates in the contests for offices in the judiciary, as well as of the candidates for administrative heads and the candidates for deputy administrative heads.

Art. 38. (1) (amend. - SG 01/11, in force from 04.01.2011; amend. - SG 28/16) The committees on the attestation and contests shall propose to the respective collegium a decision for:

1. the number of the judges, prosecutors, investigators, as well as of the administrative heads and their deputies;
2. appointment, promotion in rank or in office and dismissal of judges, prosecutors and investigators;
3. (suppl. - SG 33/09) appointment and dismissal of the administrative heads and of the deputies of the administrative heads, except the Chairman of the Supreme Court of Cassation, the Chairman of the Supreme Administrative Court, the Chief Prosecutor and the Director of the National Investigation Service, who acts also as a deputy of the Chief Prosecutor on investigation matters.

4. (amend. - SG 01/11, in force from 04.01.2011, repealed - SG 11/20)

(2) (New - SG 11/20) Judges, prosecutors and investigators participating as members of the Committee on the Attestation and Contests of the respective collegium of the Supreme Judicial Council shall carry out a thorough examination of the comprehensive evaluation marks of the attestations under Art. 196, proposed by the respective auxiliary or standing appraisal committees in the bodies of the judiciary.

(3) (New - SG 11/20) The Committees on the Attestation and Contests shall propose to the respective collegium a draft decision for conducting attestation under Art. 196 and adopting a

comprehensive evaluation of a judge, prosecutor and investigator.

(4) (Amend. - SG 01/11, in force from 04.01.2011; amend. - SG 28/16, previous Para. 2 - SG 11/20) Proposals before the committees on the attestation and contests, related to the exercise of its competences referred to in Para 1, shall be made by the interested judge, prosecutor or investigator and by the corresponding administrative head.

(5) (Amend. - SG 01/11, in force from 04.01.2011, previous Para. 3 - SG 11/20) The proposals by the administrative head shall be made as follows:

1. (amend. - SG 01/11, in force from 04.01.2011) by the Chairman of the Supreme Court of Cassation - for his deputies and the judges of this court;
2. (amend. - SG 01/11, in force from 04.01.2011) by the Chairman of the Supreme Administrative Court – for his deputies and for the judges of this court;
3. by the Chief Prosecutor for:
 - a) (amend. - SG 33/09) his deputies from the Supreme Prosecution Office of Cassation, from the Supreme Administrative Prosecution Authority and for the Director of the National Investigation Service, who acts also as a deputy of the Chief Prosecutor on investigation matters;
 - b) (new - SF 33/09) the prosecutors from the Supreme Prosecution Office of Cassation and from the Supreme Administrative Prosecution Authority and for the investigators from the National Investigation Service;
 - c) (prev. text of Letter "b" - SG 33/09; revoked - SG 01/11, in force from 04.01.2011; new - SG 62/16, in force from 09.08.2016, amend. – SG, 32/22, in force from 27.07.222) the appellate prosecutors and the military-appellate prosecutor;
4. (suppl. - SG 01/11, in force from 04.01.2011; suppl. - SG 28/16, amend. – SG, 32/22, in force from 27.07.2022) by the appellate prosecutors and the military appellate prosecutor - for their deputies and for the prosecutors of the appellate prosecutor's offices and the military appellate prosecutor's office, as well as for the district and military district prosecutors in the respective region;
5. (amend. - SG 01/11, in force from 04.01.2011, amend. – SG 32/22, in force from 27.07.2022) of the military-district prosecutors - for their deputies, for the prosecutors of the military-district prosecution offices and for the military investigators;
6. (amend. - SG 33/09; suppl. - SG 28/16) by the regional prosecutors – for their deputies, for the heads of the regional investigation departments of the regional prosecution authorities, for the prosecutors of the regional prosecution authorities and for the investigators from the regional investigation departments of the regional prosecution authorities, as well as for the district prosecutors within the respective region;
7. by the district prosecutors – for their deputies and for the prosecutors of the district prosecution authorities;
8. (amend. - SG 01/11, in force from 04.01.2011, amend. – SG, 32/22, in force from 27.07.2022) by the Presidents of the Courts of Appeal and the Court of Military Appeal - for their deputies and for the judges of these Courts;
9. (amend. - SG 01/11, in force from 04.01.2011) by the chairmen of the regional courts - for their deputies and the judges of these courts;
10. by the chairmen of the administrative courts – for their deputies and for the judges of these courts;
11. by the chairmen of the military courts – for their deputies and for the judges of these courts;
12. (new - SG 01/11, in force from 04.01.2011, repealed – SG, 32/22, in force from 27.07.2022);
13. (revoked - SG 33/09; prev. text of Item 12 - SG 01/11, in force from 04.01.2011) by the chairmen of the district courts – for their deputies and for the judges of these courts;
14. (revoked - SG 33/09)

(6) (New - SG 33/09, previous Para. 4 - SG 11/20) The Director of the National Investigation Service may draw up proposals to the Chief Prosecutor for heads of the specialized departments in the National Investigation Service and for the investigators in those departments.

(7) (New - SG 01/11, in force from 04.01.2011, previous Para. 5 - SG 11/20, amend. – SG, 32/22, in force from 27.07.2022) The heads of the district investigation departments may make proposals to the administrative heads of the district prosecutor's offices for the investigators of these departments.

(8) (New - SG 33/09; prev. text of Para 05 - SG 01/11, in force from 04.01.2011, previous Para. 6 - SG 11/20) The heads of the regional investigation services may draw up proposals to the administrative heads of the regional prosecution authorities for investigators in these departments.

(9) (Prev. text of Para 04 - SG 33/09, revoked, prev. text of Para 06 - SG 01/11, in force from 04.01.2011; amend. - SG 28/16, previous Para. 7 - SG 11/20) The Minister of Justice may provide opinions on the proposals before the judges and prosecutors collegia.

Art. 39. (1) (Amend. - SG 01/11, in force from 04.01.2011; amend. - SG 28/16, previous text of Art. 39, amend. - SG 11/20) The committees on attestation and contests at the judges' and respectively the prosecutors' collegia shall carry out the attestation of judges, prosecutors and investigators, of administrative heads and of deputy administrative heads.

(2) (New - SG 11/20) The Chairperson of the Supreme Court of Cassation, the Chairperson of the Supreme Administrative Court, the Attorney General and the Director of the National Investigation Service shall not be subject to certification pursuant to Chapter Nine, Section IV.

(3) (New - SG 11/20) The deputies of the administrative heads of the Supreme Court of Cassation, the Supreme Administrative Court, the Supreme Prosecutor's Office of Cassation, the Supreme Administrative Prosecutor's Office and the National Investigative Office, as well as judges, prosecutors and investigators shall not be subject to attestation under **Art. 196, Para. 1, Vol. 1 - 3**.

(4) (New - SG 11/20) Judges, prosecutors and investigators, administrative heads and deputies of administrative heads, who have reached the age of 60, shall not be subject to attestation under **Art. 196, Para. 1, item 3**.

Art. 39a. (new - SG 01/11, in force from 04.01.2011; revoked - SG 28/16, new - SG 11/20) (1) When conducting the appraisal of judges, auxiliary committees of attestation shall participate in the courts.

(2) The auxiliary committees of attestation shall assist the Attestation and Competition Committee with the judicial collegium of the Supreme Judicial Council.

(3) The auxiliary committees of attestation shall be elected in the respective courts based on random selection for each specific appraisal, and shall consist of three full members and one back-up member.

(4) The members of the auxiliary committees of attestation must have acquired permanence, must have received a positive complex evaluation mark of "very good" since their last attestation and should not have been imposed any of the disciplinary sanctions under **Art. 308, Para. 1, item 3, 4, 5 or 6** with a decision already in force.

(5) The administrative head cannot be elected a member of the auxiliary committee of attestation.

(6) The auxiliary committee of attestation shall elect a chairperson from among its members.

(7) Where it is impossible to form an auxiliary committee of attestation from the respective court, its panel shall be supplemented by members of the superior court in the respective judicial area.

(8) (Amend. – SG, 32/22, in force from 27.07.2022) Auxiliary appraisal commissions shall not be elected in district courts, administrative courts, as well as in military courts.

Art. 39b. (new - SG 01/11, in force from 04.01.2011) (1) Professional ethics commissions shall be elected in the judiciary authorities.

(2) (new - SG 32/11, in force from 19.04.2011) The member of the professional ethics commission shall be elected by the general meeting of the respective judiciary authority for a term of four years. The members of the commission may not be re-elected for two consecutive mandates. Each commission shall consist of three regular and one reserve member. A chairman shall be elected from among the commission members.

(3) (new - SG 32/11, in force from 19.04.2011) Where it is impossible to form a professional ethics commission, its functions shall be performed by the commission of the higher standing judiciary authority within the same judicial region.

(4) (new - SG 32/11, in force from 19.04.2011; amend. - SG 28/16) The professional ethics commissions at the courts, prosecution offices and the National Investigation Service shall assist the respective Committee on Professional Ethics in the performance of its competences under **Art 37, Para 9** by issuing an opinion on the moral qualities of the judges, prosecutors and investigators of the respective court, prosecution office, investigation unit or the National Investigation Service.

(5) (prev. text of Para 02 - SG 32/11, in force from 19.04.2011; suppl. - SG 28/16) The professional ethics commissions shall carry out their activity on the implementation of the Code of Ethical Conduct of the Bulgarian Magistrates in compliance with the rules for the organisation and their activities adopted by the respective collegium of the Supreme Judicial Council.

Chapter three.

INSPECTORATE AT THE SUPREME JUDICIAL COUNCIL

Section I.

General Provisions

Art. 40. The activity of the Inspectorate shall be based on the principles of lawfulness, objectivity and publicity.

Art. 41. The Inspectorate at the Supreme Judicial Council shall be a legal person with a seat Sofia.

Section II.

Election and Early Termination of the Mandate of the Chief Inspector and of the Inspectors

Art. 42. (1) A chief inspector and inspectors shall be elected jurists with high professional and moral qualities.

(2) (amend. – SG 01/11, in force from 04.01.2011; declared non-constitutional in the part "judge, prosecutor or investigator" in DCC No 10/11 – SG 93/11; amend. - SG 62/16, in force from 09.08.2016) A chief inspector shall be elected a person, having at least 15 years of legal practice, of which at least 10 years as a judge in a regional or appellate court, in the Supreme Court of Cassation or in the Supreme Administrative Court, prosecutor in a regional or appellate prosecution authority, in the Supreme Prosecution Authority of Cassation or in the Supreme Administrative Prosecution Authority or investigator in the National Investigation Service or in a regional investigation unit.

(3) (amend. – SG 01/11, in force from 04.01.2011; amend. - SG 62/16, in force from 09.08.2016) Inspectors shall be elected persons also having at least 12 years of legal practice, where within this practice:

1. three of the inspectors should be required to have also at least 8 years of practice as a judge in civil, commercial or administrative cases at a regional or an appellate court, or the Supreme Court of Cassation or at the Supreme Administrative Court;
2. one of the inspectors should be required to have also at least 8 years of practice as a judge in criminal cases at a regional, appellate or in the Supreme Court of Cassation;
3. one of the inspectors should be required to have also at least 8 years as a prosecutor at a regional or appellate prosecution office, in the Supreme Prosecution Office of Cassation or the Supreme Administrative Prosecution Office or as an investigator at the National Service of Investigation or at a district investigation department;

4. two of the inspectors should be required to have at least 5 years of practice as a judge in civil, commercial or administrative cases in a regional or appellate court in the Supreme Court of Cassation or in the Supreme Administrative Court;

5. one of the inspectors should be required to have also at least 5 years as a judge in criminal cases in a regional, appellate or the Supreme Court of Cassation;

6. two of the inspectors should be required to have also at least 5 years of practice as a prosecutor in a regional and appellate prosecution office, Supreme Court of Cassation or in the Supreme Administrative Court or as an investigator at the National Service of Investigation or in a regional investigation unit.

(4) (amend. - SG 33/09; revoked – SG 01/11, in force from 04.01.2011)

Art. 43. Chief inspector and inspectors may not be persons in respect of which are present the grounds under **Art. 18, Para 1**.

Art. 44. (amend. – SG 50/12) (1) (amend. and suppl. - SG 62/16, in force from 09.08.2016) The National Assembly shall elect the Chief Inspector and inspectors not earlier than 6 months and not later than two months before their term of office expires.

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

(3) (amend. - SG 62/16, in force from 09.08.2016) Nominations of candidates for Chief Inspector and inspectors shall be made by the members of parliament no later than two months prior to holding the elections before the committee under para 2. All nominations shall be accompanied by:

1. detailed written reasons on the professional and moral qualities of the nominees, including opinions of professional, academic and other organisations;

2. documents of having a higher degree in Law, documents relating to the conditions for incompatibility, legal service record and career development of the candidate as well as documents on an inspection under the **Act on Access to and Disclosure of the Documents and Announcing Affiliation of Bulgarian Citizens with the State Security Service and the Intelligence Services of the Bulgarian Popular Army**, if the nominee was born before 16 July 1973.

(4) (amend. - SG 62/16, in force from 09.08.2016) The nominations shall be made after obtaining the written consent of each nominee.

(5) (suppl. - SG 62/16, in force from 09.08.2016) The nominations along with the detailed CV of the candidates and the documents under para 3 and 4 shall be published on the [website](#) of the National Assembly within three working days from the date of receipt. The publications shall include the name and reasons of the Member of Parliament who made the respective nomination.

(6) (suppl. - SG 62/16, in force from 09.08.2016, amend. - SG 17/19) The nominations and documents under para 3 and 4 shall be published in compliance with the requirements for the protection of personal data and the **Protection of Classified Information Act**.

Art. 45. (amend. – SG 50/12) (1) (amend. - SG 62/16, in force from 09.08.2016, amend. - SG 7/18) Within 14 days from the publication of nominations, each candidate for Chief Inspector or inspector shall present to the election committee a written conception regarding his/her work. Within the same time limit, candidates shall also submit a declaration relating to their property and the source of the funds used to acquire the property, and a declaration of private interest under **Art. 52 of the Act on Counteracting Corruption and on Seizure of Illegally Acquired Property**, by means of a sample proposed jointly by the committee and the plenum of the Supreme Judicial Council and approved by the Minister of Justice. All concepts and declarations shall be published on the [website of the National Assembly](#) and on the [website of the Supreme Judicial Council Inspectorate](#) not later than three working days expiry of the term set out in the first sentence.

(2) No later than 7 days prior to the hearing, non-profit legal persons registered to operate in the

public interest, higher education institutions and scientific organisations may submit opinions concerning a candidate to the committee, including questions to be asked. Anonymous opinions and alerts shall not be taken into account. The opinions and questions submitted to the committee shall be published on the website of the National Assembly and on the website of the Supreme Judicial Council Inspectorate no later than three days from the date of submission. Specific data that represents classified information and facts related to the personal life of candidates shall not be published.

(3) The committee shall hear each candidate for Chief Inspector or inspector who is to present the conception under para 1. The hearing shall be scheduled and announced by the committee no later than one month before the scheduled date for hearing.

(4) The hearing shall be conducted at an open session of the committee no later than 14 days before making the election. A verbatim report of proceedings shall be made for the hearing and shall be published on the website of the National Assembly. It shall be for the members of the committee to ask the candidate to answer questions, including ones that are based on the opinions under para 2.

(5) The committee shall put forward the nominations to the National Assembly by drafting a report on the professional qualities and integrity of the candidates. The nominations shall be put to the vote based on the report, which shall include conclusions concerning:

1. the minimum legal requirements to hold the position;
 2. the availability of data calling into question the candidate's moral qualities, qualification, experience and professional qualities;
 3. the specific background, qualities and motivation for the position 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.

Art. 46. (amend. – SG 50/12) The National Assembly shall elect the Chief inspector and each of the inspectors individually with a majority of two thirds of the members of parliament.

Art. 47. (1) (Repealed – SG, 29/19)

(2) The chief inspector and the inspectors shall vacate their offices and terminate the activities incompatible with the requirements of **Art. 18, Para 1** before assuming office, of which they shall notify the Chairman of the National Assembly.

Art. 48. (1) The chief inspector and the inspectors shall be dismissed of office before expiration of their mandates in case of:

1. submission of a resignation;
2. entry into force of a judicial act on crime commission;
3. (amend. - SG 33/09) continuous actual inability to perform their duties for more than one year;
4. deprivation of the right to exercise a legal profession or activity;
5. severe offence or systematic failure to perform their official duties, as well as acts impairing the prestige of the judiciary;
6. failure to perform the obligation referred to in **Art. 47, Para 2**;
7. (new – SG 62/16, in force 09.08.2016) entry into force of a decision finding conflict of interests.

(2) (amend. - SG 28/16; amend. and suppl. - SG 62/16, in force from 09.08.2016, amend. - SG 11/20) In the cases under Para 1, Items 2 – 7 a proposal for dismissal of the chief inspector or the inspectors may be made by at least one fifth of the national representatives or the plenum of the Supreme Judicial Council. The Commission for Combating Corruption and Forfeiture of Illegally Acquired Property shall immediately notify the chairman of the National Assembly and the Supreme Judicial Council of a decision under Para1, Item 7 in force.

Art. 49. (Amend. – SG, 29/19) In case of dismissal of the chief inspector or an inspector on the

grounds of **Art. 48, Para 1** the National Assembly shall elect a new chief inspector or inspector with mandate under **Art. 132a, Para. 2 of the Constitution**, or inspector with mandate under Art. 132a, Para. 3 of the Constitution.

Art. 50. (Amend. – SG 01/11, in force from 04.01.2011; declared non-constitutional in the part "judge, prosecutor or investigator" in DCC No 10/11 – SG 93/11; amend. - SG 62/16, in force from 09.08.2016) (1) (suppl. - SG 65/17, amend. – SG, 29/19, amend. – SG, 32/22, in force from 26.04.2022) In case of expiration of the mandate or its early termination on the grounds of **Art. 48, Para 1, Item 1**, the chief inspector and the inspectors who have submitted an application to the respective college of the Supreme Judicial Council within 14 days from the day of the expiration or early termination of the mandate shall be restored to the post of judge, prosecutor or investigator, held before the election.

(2) (New - SG 29/19, declared unconstitutional with respect to the words "or of an equal rank in the bodies of the judiciary" with Decision of the Constitutional Court № 6 of 2021 - SG 43/21. Repealed – SG, 32/22, in force from 26.04.2022)

(3) (Former Para. 2, amend. – SG, 29/19, amend. - SG, 32/22, in force from 26.04.2022) Within one month from reinstatement into the position under Para. 1 the Chief inspector and the inspectors with expired or early terminated mandate shall be assessed of their activity by the respective collegium of the Supreme Judicial Council according to a methodology adopted by the Supreme Judicial Council and the Inspectorate at the Supreme Judicial Council. The assessment shall form part of their attestation as magistrates in the period before taking the position of a chief inspector or inspector.

Art. 51. (amend. - SG 62/16, in force from 09.08.2016) (1) The salary of the chief inspector shall be equal to the salary of a member of Supreme Judicial Council.

(2) The salary of the inspectors shall be equal to 90 percent of the salary of the chief inspector.

Art. 52. (amend. – SG 01/11, in force from 04.01.2011; suppl. - SG 62/16, in force from 09.08.2016) The period served as a chief inspector, inspector or expert will education in law at the Inspectorate at the Supreme Judicial Council shall be counted as practice under **Art. 164, Para 1 – 7**.

Art. 53. (1) (amend. - SG 33/09; prev. text of Art. 53 - SG 62/16, in force from 09.08.2016, suppl. - SG 11/20, amend. – SG, 32/22, in force from 26.04.2022) Chapter Sixteen and **Art. 219, 221, 224** and **330** shall apply in respect of the chief inspector and the inspectors.

(2) (New - SG 62/16, in force from 09.08.2016, repealed - SG, 32/22, in force from 26.04.2022)

Section III. Competences of the Inspectorate

Art. 54. (1) The Inspectorate shall:

1. inspect the organization of the administrative activity of the courts, prosecution authorities and investigation authorities;

2. inspect the organization on initiation and course of the judicial, prosecution and investigation lawsuits, as well as the accomplishment of the lawsuits within the specified terms;

3. analyse and summarize the lawsuits ending with a judicial act in force, as well as the accomplished files and lawsuits of the prosecutors and investigators;

4. in case of contradictory judicial practice, established during the activity under Item 3, notify the authorities competent to move a request for adopting interpretation decisions or interpretation decrees;

5. (suppl. - SG 28/16) in case of violations, established during the activities under Para 1 – 3, notify the administrative head of the respective judiciary authority and the respective collegium of the Supreme Judicial Council;

6. make proposals for imposing disciplinary penalties on judges, prosecutors, investigators and administrative heads of judiciary authorities;

7. address signals, proposals and reports to other state authorities, including the competent judiciary authorities;

8. (amend. - SG 62/16, in force from 09.08.2016) carry out checks for decency and conflict of interests of judges, prosecutors and investigators, of their property declarations, as well as for establishing activities harming the prestige of the judiciary, and such related to the violation of the independence of judges, prosecutors and investigators;

9. (new - SG 62/16, in force from 09.08.2016) consider applications on the violation of the right of hearing and deciding of cases within a reasonable term;

10. (amend. - SG 62/16, in force from 09.08.2016) adopt internal rules of implementing the checks under Items 1 - 3 and Item 8 within the judiciary bodies;

11. (new - SG 62/16, in force from 09.08.2016) adopt internal rules of implementing the checks for decency of the experts in the Inspectorate and organise their implementation;

12. (new - SG 62/16, in force from 09.08.2016) draft an annual programme for planned inspections and an annual report of its activity, which shall present before the plenum of the Supreme Judicial Council;

13. (amend. - SG 15/13, in force from 01.01.2014; prev. text of Item 09 - SG 62/16, in force from 09.08.2016) discuss the draft budget of the judiciary proposed by the Minister of Justice in the part regarding the budget of the Inspectorate and present it before the Supreme Judicial Council;

14. (new - SG 62/16, in force from 09.08.2016) provide to the public information about its activity and publish the annual report on its activity on its [website](#).

15. (new - SG 17/19) supervise the processing of personal data in the cases under **Art. 17, Para. 1 of the Personal Data Protection Act**.

(2) (New - SG 17/19) In carrying out the supervision under Para. 1, item 15, the Inspectorate shall perform the tasks and exercise the powers under the Personal Data Protection Act.

(3) (Previous Para. 2 - SG 17/19) The Inspectorate shall adopt decision with majority of more than a half of its members.

Art. 55. (1) (amend. - SG 33/09; amend. - SG 62/16, in force from 09.08.2016, amend. - SG 17/19) The Inspectorate shall be assisted by an administration in exercising its activity. The size of the administration shall not exceed five times the number of the inspectors, including the chief inspector.

(2) (amend. - SG 33/09; suppl. - SG 62/16, in force from 09.08.2016) Apart from the administration under Para 1 at the Inspectorate shall be appointed through a contest also experts having at least 5 years of legal practice and meeting the requirements of **Art. 18, Para 1**, and for the exercise of the powers under **Art. 54, Para 1, Item 8** shall be appointed through a contest also experts holding a higher degree in economics or other appropriate education with at least 5 years of practice in the field of their studies and meeting the requirements of **Art. 18, Para 1**.

(3) (amend. - SG 33/09; amend. - SG 62/16, in force from 09.08.2016) The contest under Para 2 shall be conducted in accordance with rules and methodology approved by the chief inspector and shall include a check of candidates born before 16 July 1973 under the **Act on Access to and Disclosure of the Documents and Announcing Affiliation of Bulgarian Citizens with the State Security Service and the Intelligence Services of the Bulgarian Popular Army**. Before appointment the experts shall undergo a check for integrity and shall declare their consent to undergo such checks on periodical basis during their appointment on this position.

(4) (amend. - SG 33/09; amend. - SG 62/16, in force from 09.08.2016) The integrity check under Para 3 shall include a check of declared facts and circumstances related to property and conflict of interests.

(5) (new - SG 62/16, in force from 09.08.2016) The integrity checks of experts, including the duty to declare property shall be performed in accordance with rules adopted by the Inspectorate, which shall be published on its website.

(6) (new - SG 62/16, in force from 09.08.2016) The avoidance of the inspectorate check shall be grounds for dismissal.

(7) (new - SG 62/16, in force from 09.08.2016) The experts at the Inspectorate shall be appointed and dismissed by the chief inspector. Their remuneration shall not be less than the remuneration of a district court judge and not exceed the remuneration of a regional court judge.

(8) (new - SG 33/09; prev. text of Para 05 - SG 62/16, in force from 09.08.2016) The Inspectorate shall adopt regulations on the organization of its activity and on the activity of the administration and experts, which shall be promulgated in the State Gazette.

Art. 56. (1) The Inspectorate shall exercise its activity through inspections, determined in its annual programme, or upon signals.

(2) The inspection shall be performed by the chief inspector or an inspector assisted by experts.

(3) The chief inspector shall determine in an order the procedure of performing the inspections.

Art. 57. (1) The inspections specified in the annual programme shall be performed by teams determined by lot, which shall include the inspecting person under **Art. 56, Para 2** and the experts assisting him. The lot shall be conducted by the chief inspector in the presence of all inspectors immediately after determining the annual programme.

(2) In case of inspections upon signals the inspecting person under Art. 56, Para 2 and the two experts assisting him shall be determined according to the principle of random choice through electronic distribution following the sequence of the submitted signals.

Art. 58. (1) The performance of the inspection shall be assigned in an order of the chief inspector containing:

1. the inspected judiciary authority, judge, prosecutor or investigator, the tasks and the term of performing the inspection;

2. the name of the inspecting person under **Art. 56, Para 2**;

3. the names of the experts assisting him;

4. the term of drafting the act containing the results of the inspection.

(2) The act of the results of the inspection shall contain the findings during the inspection and, if necessary, recommendations and terms for their fulfilment.

(3) (suppl. - SG 62/16, in force from 09.08.2016) The act about the results of the inspection shall be provided to the inspected judge, prosecutor or investigator, as well as to the administrative head of the respective judiciary authority. Within 7 days of its provision they may raise objections and present them to the chief inspector who shall issue a reasoned decision on the raised objections.

(4) The administrative head shall notify the chief inspector of the fulfilment of the recommendations, if any, within the term specified in the act about the results of the inspection.

Art. 59. (suppl. - SG 62/16, in force from 09.08.2016) The administrative heads of the judiciary authorities shall be obliged to assist the chief inspector and the inspectors in exercising their competences and provide access to the materials necessary therefore. The administrative heads shall be obliged to provide information to the chief inspector and the inspectors of the activities undertaken in relation to each complaint or proposal sent to them by the Inspectorate.

Art. 60. (1) The chief inspector shall carry out also general organizational and methodical management of the activity of the Inspectorate by:

1. representing the Inspectorate and determining the inspector to substitute him in case of absence;

2. (amend. - SG 15/13, in force from 01.01.2014) disposing of the funds in the budget of the Inspectorate;

3. controlling the activity of the inspectors;
 4. (suppl. - SG 62/16, in force from 09.08.2016) organizing the publication of a bulletin about the results of the inspections, which shall be published on the [website](#) of the Inspectorate at Supreme Judicial Council in the internet;
 5. conclude and terminate the employment contracts with the experts and the employees at the Inspectorate administration;
 6. arrange the raise of qualification of the inspectors and the administration of the Inspectorate.
- (2) (revoked - SG 28/16)

Chapter three "a".

REVIEWING APPLICATIONS AGAINST INFRINGEMENT OF THE RIGHT TO BE HEARD WITHIN A REASONABLE TIME (New - SG 50/12)

Section I.

General Provisions

Art. 60a. (New - SG 50/12, in force from 1.10.2012) (1) Pursuant to this chapter shall be reviewed applications submitted by citizens or legal persons against instruments, acts or omissions of the judicial authorities which infringe upon the right of the citizen or legal person to be heard within a reasonable time.

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

1. parties to civil, administrative or criminal proceedings, which have been completed;
2. defendants, victims or harmed legal persons in terminated pre-trial proceedings;

(3) This chapter also regulates the determination and payment of compensation in according to the case-law of the European Court of Human Rights amounting to a maximum of BGN 10,000.

(4) The applications under para 1 shall be submitted within six months from the date of completion of the respective proceedings by a final instrument. The applications shall be submitted via the Supreme Judicial Council Inspectorate to the Ministry of Justice.

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

(6) No fee shall be paid for review of applications pursuant to this Chapter.

Section II.

Contents and Checks of Applications (New - SG 50/12)

Art. 60b. (New - SG 50/12, in force from 1.10.2012) (1) Applications shall be written in Bulgarian and shall include the following:

1. names as written in an identity document; a unique identification number; address, telephone, fax and an e-mail, if any, as regards to Bulgarian nationals;
2. names as written in an identity document; a personal foreign national's number; address, telephone, fax and an e-mail, if any, as regards to foreign nationals;
3. the name of the trading entity or legal person written in Bulgarian, the seat and the latest registered office, as specified in the respective register, and an e-mail.
4. referral to the instrument, act or omission of the authority concerned which has infringed the right to be heard within a reasonable time;
5. the body to which the application is submitted
6. the gist of the claim;
7. signature of the applicant.

(2) Applicants shall also attach a declaration that they have not filed requests for the same infringement and that no compensation has been paid to them under a different procedure.

Section III. **Procedure for Reviewing Applications (New - SG 50/12)**

Art. 60c. (New, SG No. 50/2012) (1) Applications under **Art. 60a, para 1** shall be reviewed by a specialized unit set up under the Supreme Judicial Council Inspectorate.

(2) (amend. - SG 62/16, in force from 09.08.2016) Lawyers with at least five years of legal service shall be employed as experts in the specialised unit. The experts` remuneration shall not be less than the remuneration of a district court judge and shall not exceed the remuneration of a regional court judge.

(3) (In force from 01.10.2012) The Chief Inspector shall distribute applications received at the inspectorate randomly to a team of one inspector and two experts, appointing one of the experts as rapporteur.

(4) (In force from 01.10.2012) If an application does not meet the requirements under **Art. 60b, paras 1 and 2**, the applicant shall be sent a notice requesting to remove the admitted irregularities within seven days from the date of receipt thereof.

(5) (In force from 01.10.2012) If the applicant fails to remove the irregularities, the application shall be returned together with its enclosures.

Art. 60d. (New - SG 50/12, in force from 1.10.2012) (1) The outcome of each check shall be reflected in a statement of findings.

(2) The statement of findings shall be signed by the members of the check team and shall include information concerning:

1. the place and time the statement was drawn up;
2. the applicant;
3. the check team;
4. the case to which it refers;
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 acts or omissions of applicants or their legal representative or counsel.

(3) (Suppl. - SG 11/20) The statement of findings shall also reflect the opinion of the check team as to whether the time limit under **Art. 60a, para 4** has been observed. The check team shall not rule on the matter whether the timeframe for the respective proceedings is reasonable.

Art. 60e. (New - SG 50/12, in force from 1.10.2012, amend. - SG 11/20) (1) The statement of findings under **Art. 60d** shall be drawn up within four months from submission of the application, respectively from the date when any irregularities thereof were removed. Where, upon receipt of the application, it is established that a request has been lodged for the reopening of the criminal case or for the annulment of a legal act already in force, the time limit shall begin to run from the ruling on the request by the competent court.

(2) Immediately after the completion of the check under Para. 1, the protocol, the application and all other documents on the file shall be forwarded to the Minister of Justice.

Art. 60f. (New - SG 50/12, in force from 1.10.2012) (1) On the basis of the facts and circumstances found by the check team, the Minister of Justice or a person authorised by the minister shall reject the application as being unjustified, 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.

3. (new - SG 11/20) the defendant was compensated for the unreasonable length of the criminal proceedings by explicitly and measurably reducing his sentence by the competent court;

4. (new - SG 11/20) in pre-trial proceedings, despite the conducted investigations and search, the perpetrator of the crime has remained unknown or no charges were filed.

(2) In case an applicant's right to be heard within a reasonable time has been infringed, the Minister of Justice or a person authorised by the minister shall determine the amount of the compensation due in line with the policy of the European Court of Human Rights and shall propose a settlement agreement to the applicant.

Art. 60g. (New - SG 50/12, in force from 1.10.2012) The check of the relevant circumstances and the decision on the application shall be finalised within six months from the date of receiving the application.

Section IV.

Payment of Compensations (New - SG 50/12)

Art. 60h. (New - SG 50/12, in force from 1.10.2012) Compensations shall be paid on the grounds of signed settlement agreements.

Art. 60i. (New - SG 50/12, in force from 1.10.2012; amend. - SG 15/13, in force from 01.01.2014) The funds necessary to pay the compensation amounts under signed settlement agreements shall be covered by the state budget.

Art. 60j. (New - SG 50/12, in force from 1.10.2012; amend. - SG 107/14, in force from 01.01.2015)
(1) The Council of Ministers shall approve additional expenses in the budget of the Ministry of Justice up to the amount of actual compensations paid under **Art. 60i** in the respective quarter by making amendments in the budget arrangements of the Ministry of Justice with the central state budget.

Art. 60k. (New - SG 50/12, in force from 1.10.2012) Persons who have been granted compensation pursuant to this chapter shall not be entitled to seek compensation on the same grounds by legal action.

Section V.

Measures Eliminating the Reasons for Infringements (New - SG 50/12)

Art. 60l. (New - SG 50/12, in force from 1.10.2012) (1) Each quarter, the Chief Inspector shall send information regarding any infringements found to the Supreme Judicial Council as well as information about any compensation payments to the Minister of Justice.

(2) (Amend. - SG 11/20) The respective collegium of the Supreme Judicial Council, according to its powers as per Art. 30, Para. 5, item 5, every six months shall analyse the reasons for the infringements and shall adopt measures to rectify them.

(3) The Supreme Judicial Council shall publish the information under paras 1 and 2 on its [website](#).

Chapter four. COURTS

Section I.

General Provisions

Art. 61. (1) (amend. – SG 01/11, in force from 04.01.2011, amend. – SG, 32/22, in force from 27.07.2022) The courts in the Republic of Bulgaria shall be district, regional, administrative, military, appellate, Supreme Court of Cassation and a Supreme Administrative Court.

(2) Under the jurisdiction of the courts shall be civil, criminal and administrative lawsuits.

(3) A lawsuit considered by a court shall not be considered by another authority.

Art. 62. The venues of the district, regional, administrative, military and appellate courts may not coincide with the administrative territorial structure of the country.

Art. 63. (1) (Amend. – SG 01/11, in force from 04.01.2011, amend. – 32/22, in force from 27.07.2022) The district, regional, administrative and military courts shall hear the cases, determined by an Act as the first instance.

(2) District courts shall hear appealed acts on cases from district courts as a second instance, as well as other cases, assigned to them by an Act.

(3) The administrative courts shall hear administrative cases, determined by an Act as a cassation instance.

(4) The appellate courts shall consider as a second instance the appealed acts on lawsuits of the regional courts, as well as other lawsuits assigned to them in an Act.

(5) (new – SG 01/11, in force from 04.01.2011, repealed – SG, 32/22, in force from 27.07.2022)

(6) (prev. text of Para 05 – SG 01/11, in force from 04.01.2011) The military-appellate court shall consider as a second instance the appealed acts on lawsuits of the military courts.

(7) (prev. text of Para 06 – SG 01/11, in force from 04.01.2011) The Supreme Court of Cassation shall be an instance of cassation for judicial acts specified in an Act and shall consider also other lawsuits specified in a law.

(8) (prev. text of Para 07 – SG 01/11, in force from 04.01.2011, suppl. – SG, 29/19) The Supreme Administrative Court shall consider as a first instance acts, specified in a law, and as an instance of cassation – the appealed acts on lawsuits of the administrative courts and acts on lawsuits of a three-member sitting of the Supreme Administrative Court, for which cassation appeal has been envisaged.

(9) (prev. text of Para 08 – SG 01/11, in force from 04.01.2011) The disputes on jurisdiction between the Supreme Court of Cassation and the Supreme Administrative Court shall be considered by a sitting, including three representatives of the Supreme Court of Cassation and two representatives of the Supreme Administrative Court, the ruling of which shall be final.

Art. 64. (1) (Amend. – SG 33/09, suppl. – SG, 63/17, in force from 05.11.2017, amend. - SG 17/19) The acts of the courts, with the exception of those in criminal cases, whereby the defendant has been convicted to serve a corresponding penalty, shall be published immediately after they have been handed over to the relevant court's web site in compliance with the requirements of the protection of personal data and the **Protection of Classified Information Act**.

(2) (New - SG 63/17, in force from 05.11.2017) The decisions with which the sentences have entered into force shall be published on the web page of the relevant court on the internet, upon receipt of a notification from the prosecutor that measures were taken to implement them.

(3) (New - SG 81/11, former para. 2 – SG, 63/17, in force from 05.11.2017) The publication of the acts under para. 1 shall be carried out in such a way as to prevent the identification of the natural persons referred to in those acts.

(4) (Former para. 2 - SG 81/11, former para. 3 - SG 63/17, in force from 05.11.2017) The acts in cases which concern the civil or health status of the persons shall be published without the motivation thereof.

Art. 65. (Suppl. - SG 11/20) All courts are budget-funded legal entities and are represented by the Administrative Head or other designated person. In performing the functions of an administrative head, orders, injunctions and rules shall be issued in accordance with the competence defined by law. The General Assembly, the plenum of the Supreme Court of Cassation and the plenum of the Supreme Administrative Court shall be the organs of the respective court, shall rule only in the cases specified by law, shall give opinions, shall adopt rules and decisions by open vote and a majority of more than half of the judges present.

Section II. Jurors

Art. 66. (1) In the cases specified in a law, the court, considering the lawsuit as a first instance, shall sit with jurors.

(2) The jurors shall have rights and duties equal to the judges.

Art. 67. (1) (amend. – SG 01/11, in force from 04.01.2011; amend. - SG 62/16, in force from 09.08.2016) The juror shall be a capable Bulgarian national:

1. between 21 and 68 years of age;
2. having his current address in a municipality within the jurisdiction of the court, for which he has applied;
3. having at least secondary education;
4. who has not be sentenced for a deliberate crime, irrespective of rehabilitation;
5. suffering from a mental illness.

(2) (amend. – SG 01/11, in force from 04.01.2011) The jurors in the military courts may be generals (admirals), officers and sergeants of military service.

(3) (amend. - SG 62/16, in force from 09.08.2016) The juror may not be a person:

1. who is a juror at another court;
2. who is a municipal counsellor within the court region, for which he is elected;
3. who is part of the leadership of a political party, coalition or organisation with political goals;
4. working in a court, prosecution office, investigation bodies, the Ministry of Interior or other bodies within the system of the national security within the court jurisdiction, for which he is elected.

Art. 67a. (new - SG 62/16, in force from 09.08.2016) (1) Not later than 8 months before expiry of the mandate of the jurors the general assemblies under **Art. 68b** shall determine the number of the jurors for the respective courts by taking into account:

1. the number of cases heard by each court of first instance during the preceding year involving jurors;
2. the opinion of the chairman of each court of first instance regarding the tendency of increasing or reducing the number of such cases.

(2) (Repealed – SG, 32/22, in force from 27.07.2022).

(3) The number of juror nominees proposed by the municipal councils shall not be less than the number of jurors for the respective court determined by the general assemblies under **Art. 68b**.

Art. 67b. (new - SG 62/16, in force from 09.08.2016, amend. – SG, 32/22, in force from 27.07.2022) Within 6 months before the expiry of the term of office of the jurors, the presidents of the district and appeal courts shall notify the municipal councils of the number of jurors to be elected.

Art. 68. (amend. - SG 62/16, in force from 09.08.2016) (1) Not later than 5 months before expiry of the mandate of the jurors the municipal councils located within the jurisdiction of a court shall announce in a local daily newspaper, in the electronic media, on the websites of the respective municipalities and the municipal councils, and at the lack of such - in any other suitable manner, the opening of a procedure of appointing jurors and the rules for its conduct. Within the sam term the municipal councils shall elect

commissions to assess the documents of the juror candidates and to prepare a report.

(2) Every Bulgarian national meeting the requirements of **Art. 67, Para 1** may apply for a juror.

(3) The juror candidates shall file with the municipal councils located within the jurisdiction of the court:

1. a detailed curriculum vitae signed by the candidate;
2. a notarised copy of a higher education diploma;
3. (revoked - SG 103/17, in force from 01.01.2018)
4. a medical attestation that the person is not suffering from mental illness;
5. contacts of two persons who the municipal councils may refer to for recommendations;
6. a cover letter;
7. written consent;
8. a statement of absence of the circumstances under **Art. 67, Para 3**;
9. a document for a check under the **Act on Access to and Disclosure of the Documents and**

Announcing Affiliation of Bulgarian Citizens with the State Security Service and the Intelligence Services of the Bulgarian Popular Army, if born before 16 July 1973.

(4) (new - SG 103/17, in force from 01.01.2018) The circumstance under **Art. 67, para. 1, item 4** shall be established ex officio by the Commission.

(5) (prev. para. 4 - SG 103/17, in force from 01.01.2018) The list of candidates admitted to participation, together with their curriculum vitae, cover letters and recommendations and documents under Para 3, Item 9 shall be published on the website of the municipal council at least 14 days before the date of the interview under **Art. 68a**. At least 10 percent of the persons in the list must have qualifications in the field of pedagogy, psychology and social activities.

Art. 68a. (news - SG 62/16, in force from 09.08.2016) (1) The municipal councils and the commissions determined by them shall interview each of the admitted candidates in a public meeting, in which each municipal council member may ask questions.

(2) Not later than three working days before the interview, non-profit legal persons operating for public benefit may submit to the municipal council opinions on the candidate, including questions to be asked. Anonymous opinions and reports shall not be examined.

(3) Where the interview is held before a commission, it shall prepare a report, which shall be submitted to the municipal council at least 7 days before the voting and shall be published on the website of the municipal council together with the protocol of the interview.

(4) (Amend. – SG, 32/22, in force from 27.07.2022) The municipal councils shall, in a public meeting, by a majority of more than half of the members present, determine the candidates for jurors to be proposed for election by the general assemblies of the district and appeal courts.

Art. 68b. (new - SG 62/16, in force from 09.08.2016) The jurors shall be elected for:

1. the district courts - by the general assembly of the judges of the respective regional court;
2. the regional courts - by the general assembly of the judges of the appellate court;
3. (repealed – SG, 32/22, in force from 27.07.2022)

Art. 68c. (new - SG 62/16, in force from 09.08.2016) The municipal councils within a term of three months from expiry of the mandate of the jurors shall send the list of the candidate jurors accompanied by a copy of its decisions and the documents under **Art. 68, Para 3**:

1. for the district courts - to the chairman of the respective regional court;
2. for the regional courts - to the chairman of the respective appellate court;
3. (repealed – SG, 32/22, in force from 27.07.2022)

Art. 68d. (new - SG 62/16, in force from 09.08.2016) (1) The jurors at the military courts shall be elected at the proposal of the commanders of the military formations by the general assembly of the judges of the military appellate courts.

(2) The general assembly of the judges of the military appellate court shall determine the number of

the jurors at the military courts, which shall be proposed by the commanders of the military formations. The allocation of the number of the jurors at the military courts shall be in the same proportion as the number of the military servicemen in the regions of the military courts.

(3) The commanders of the military formations may propose additional persons, whose number shall not exceed 20 percent of the number set for the military court.

(4) Within a term of three months the commanders of the military formations shall send a list with the juror candidates proposed by them to the chairman of the military-appellate court. The proposals shall be accompanied by the documents under **Art. 68, Para 3**.

(5) The general assembly of the judges at the military-appellate court shall discuss the proposals and shall elect the jurors.

Art. 68e. (new - SG 62/16, in force from 09.08.2016) (1) (Amend. – SG, 32/22, in force from 27.07.2022) The chairmen of the regional and of the appellate and courts shall create a commission to carry out **Art. 67, Para 1** compatibility checks of jurors proposed by the municipal councils.

(2) (New - SG 11/20) When the proposed candidates are less than 50 percent of the number determined in Art. 67a, a new selection shall not be held until the list of candidates has been completed. In this case, the term of the jury shall be extended until the oath has been sworn by the newly elected jurors.

(3) (Previous Para. 2 - SG 11/20, amend. – SG, 32/22, in force from 27.07.2022) The candidates who meet the requirements and are elected shall take an oath before the general assembly of the judges at the corresponding district, regional and military court.

(4) (Previous Para. 3 - SG 11/20) The list of elected jurors who have taken an oath shall be published on the website of the corresponding court.

Art. 68f. (new – SG 62/16, in force from 09.08.2016) Where the commission finds that the candidates proposed by the municipal councils meeting the requirements of **Art. 67, Para 1** are less than the number specified in **Art. 67a**, the chairman of the corresponding court shall send a request to the municipal councils to complete the list of candidate jurors within a term of one month from receipt of the request.

Art. 69. (amend. – SG 62/16, in force from 09.08.2016) (1) The mandate of the jurors shall be 4 years and shall commence on the date of taking the oath.

(2) The jurors may not be elected for more than two consecutive mandates in the same court.

(3) Where the lawsuits, in which the jurors take part, continues after the term referred to in Para 1, their participation in the corresponding lawsuits shall be extended until their end before the corresponding judicial instance.

Art. 70. (amend. – SG 62/16, in force from 09.08.2016) (1) The jurors shall be obliged to immediately notify the administrative head of the corresponding court if accused under criminal charges.

(2) The administrative head of the corresponding court shall perform an ex officio check of the criminal record of the jurors every 6 months.

Art. 71. (prev. text of Art. 71 – SG 62/16, in force from 09.08.2016) (1) Any juror shall be dismissed early by the relevant general assembly upon proposal of the chairman of the court:

1. at his request;

2. upon placement under disability;

3. when convicted for a deliberate crime;

4. in case of continuous inability to perform his duties for more than one year;

5. (suppl. – SG 62/16, in force from 09.08.2016) in case of commitment of a severe violation of his duties or systematic failure to perform them, or in case of commitment of an act impairing the prestige of the judiciary, including where the impairing the prestige of the judiciary is a consequence of charging him with accusations for a deliberate crime;

6. (new – SG 62/16, in force from 09.08.2016) if accused for a deliberate crime related to the

exercise of justice;

7. (new – SG 62/16, in force from 09.08.2016) upon occurrence or establishing of a circumstance under **Art. 67, Para 3**.

(2) (new – SG 62/16, in force from 09.08.2016) The proposal for an early dismissal of a juror shall be made available to the members of the general assembly of judges not later than three days before the assembly.

(3) (new – SG 62/16, in force from 09.08.2016) A copy of the general assembly records shall be sent to the juror, to the corresponding municipal council or to the corresponding commander of a military formation.

Art. 72. (1) The jurors shall be called to participate in the court sessions by the chairman of the court for at most 60 days within one calendar year, unless the hearing of the case, in which they participate, continues longer.

(2) (amend. – SG 62/16, in force from 09.08.2016) For each lawsuit there shall be main and reserve jurors determined on the principle of random selection through electronic distribution.

Art. 73. (amend. – SG 62/16, in force from 09.08.2016) (1) For the time the jurors exercise their functions and the duties related thereto, they shall be paid remuneration from the budget of the judiciary.

(2) (Amend. - SG 13/17) The remuneration of the jurors for each hearing day shall be determined on the basis of the actual working hours for the day corresponding to the duration of the court hearing until the announcement of the judicial act, including the hour that has commenced. In case of postponement of the hearing the jurors shall be paid the remuneration calculated under Para 4.

(3) The remuneration shall be paid on monthly basis for all hearing days during the month.

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

(5) The jurors shall be refunded the transportation costs made to attend court hearings.

(6) Within three months after taking the oath the court administrator or the administrative secretary of the corresponding court and the National Institute of Justice shall organise and conduct initial training of the jurors.

Art. 74. (1) The chairman of the court may impose a fine from BGN 50 to 500 by an order to any juror, who fails to perform his duties, after giving him the opportunity to provide explanation.

(2) Upon appeal of the punished juror the chairman of the higher court may overturn the order under Para 1 or reduce the amount of the fine.

Art. 75. (declared non-constitutional in DCC No 10/11 – SG 93/11) (1) (prev. text of Art. 75, amend. – SG 01/11, in force from 04.01.2011) The Supreme Judicial Council, shall adopt an ordinance, specifying:

1. the order of proposing the juror candidates;
2. the remuneration of the jurors;
3. other organizational questions related to the jurors.

(2) (new – SG 01/11, in force from 04.01.2011) The ordinance referred to in Para 1 shall be promulgated in the State Gazette.

Art. 75a. (new – SG 62/16, in force from 09.08.2016) The plenum of the Supreme Judicial Council shall adopt an ordinance setting out:

1. the conditions and order of determining the number of jurors and reserve jurors for each court;
2. ethical rules of conduct for the jurors;

3. other organisational issues related to the activities of the jurors.

Section III. District Court

Art. 76. The district court shall be the basic court of first instance. Under its jurisdiction shall be all cases, except those which according to the law shall be under the jurisdiction of another court.

Art. 77. (1) The district court shall consist of judges and shall be managed by a chairman.

(2) Chambers may be formed in the district court.

(3) There shall be a criminal record bureau at each district court.

(4) (suppl. – SG 50/12; amend. - SG 50/16, in force from 01.07.2016) The functions and the organization of the activity of the criminal record bureaus, including the submission of an application for issue of electronic criminal records and lists of convictions as well as the control thereon shall be regulated in an ordinance of the Minister of Justice.

(5) (new - SG 103/17, in force from 01.01.2018) When a normative act requires from an administrative body or by another state authority to establish ex officio the circumstances in relation to the previous convictions of citizens, criminal record bureau are obliged to provide this information. The terms and procedure for exchange of such information shall be regulated by the ordinance under para. 4.

Art. 78. The district court shall consider the cases sitting with one judge, unless otherwise stipulated in a law.

Art. 79. (1) (suppl. - SG 62/16, in force from 09.08.2016) The general assembly of a district court with at least three judges shall consist of all the judges, those relocated participating without voting rights. When the number of judges is less than three, they shall participate in the general assembly of another district court, determined by the chairman of the regional court, within the same region. The general assemblies shall be attended without voting rights also by the public bailiffs and the registry judges, when considering matters affecting their activities.

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

1. analyse and summarize the practice of the court;

2. (new - SG 62/16, in force from 09.08.2016) may nominate a chairman of the corresponding court and hear all candidates;

3. (new - SG 62/16, in force from 09.08.2016) hear the candidates for deputies of the chairman proposed by him and may issue an opinion on the proposals;

4. (new - SG 62/16, in force from 09.08.2016) determine the number and composition of the chambers, if available, and also their specialisation according to fields of law;

5. (new - SG 62/16, in force from 09.08.2016) issue opinions in case of requests for interpretation decisions or interpretation decrees, concerning the operation of the district courts;

6. (new - SG 62/16, in force from 09.08.2016) discuss the every year the report of the chairman of the performance of the court;

7. (new - SG 62/16, in force from 09.08.2016) address opinions to the Council of Ministers and the National Assembly on draft laws concerning the activities of the district courts;

8. (new - SG 62/16, in force from 09.08.2016) adopt internal rules on the organisation of its operation;

9. (new - SG 62/16, in force from 09.08.2016) adopt rules determining the workload of the chairman of the court, his deputies, the chairmen of chambers, if available, of the district court judges entrusted with organisational functions, and in cases of health authorities prescriptions;

10. (prev. text of Item 02 - SG 62/16, in force from 09.08.2016) consider other questions upon proposal of the chairman of the court or of a member of the general assembly.

(3) (amend. and suppl. - SG 62/16, in force from 09.08.2016) At the proposal of not less than one third of the judges, the general assembly may issue opinions on questions, related to the organization and the activity of the court, which are of the competence of the chairman of the district court.

(4) (new - SG 01/11, in force from 04.01.2011) The general meeting may be summoned also at the request of at least one third of all judges.

(5) (prev. text of Para 04 - SG 01/11, in force from 04.01.2011) The general assembly shall be conducted, if more than a half of the judges are present, and shall adopt decisions with majority of more than half of the present judges.

(6) (new - SG 62/16, in force from 09.08.2016) The commissioned judges shall participate with voting rights in the general assemblies of the court, from which they are commissioned.

Art. 80. (1) (amend. - SG 62/16, in force from 09.08.2016) The chairman of the district court shall perform general organisational and administrative management of the district court by:

1. (amend. - SG 62/16, in force from 09.08.2016) representing the court as a legal person and a body of the judiciary;

2. (amend. - SG 62/16, in force from 09.08.2016) organising the work of the judges and the jurors;

3. (amend. - SG 62/16, in force from 09.08.2016) convening and chairing the general assembly of the court;

4. (amend. - SG 62/16, in force from 09.08.2016) participating in court hearings in compliance with the random selection at distribution of the cases;

5. (amend. - SG 62/16, in force from 09.08.2016) proposing to the general assembly the allocation of judges to chambers, where available;

6. (amend. - SG 62/16, in force from 09.08.2016) determining at the proposal of the general assembly the chairmen of chambers, where available;

7. (revoked - SG 33/09)

8. (amend. - SG 62/16, in force from 09.08.2016) managing and controlling the work of the criminal record bureau at the court, of the state bailiffs, the registry judges and the judicial assistants;

9. (amend. - SG 62/16, in force from 09.08.2016) appointing and dismissing the employees of the court and organize the work of the various services;

10. (amend. - SG 62/16, in force from 09.08.2016) notifying the Minister of Justice of the vacancies for state bailiffs and registry judges;

11. (amend. - SG 62/16, in force from 09.08.2016) approving the staff establishment plan of the administration of the court after its discussion by the general assembly of the district court;

12. (new - SG 62/16, in force from 09.08.2016) drawing up an annual report of the performance of the court and submitting it by January 31 to the chairman of the regional court for inclusion into the annual report;

13. (new - SG 62/16, in force from 09.08.2016) in the end of every six months submitting to the Inspectorate at the Supreme Judicial Council summarized information on the initiation, course and conclusion of the cases of the judges, as well as the acts finally overturned by the higher instances, and to the Minister of Justice - information on the initiation, course and conclusion of the files and cases of the state bailiffs and of the registry judges;

14. (new - SG 62/16, in force from 09.08.2016) providing information, summaries and statistical data in electronic form according to samples and within time limits, approved by the judges collegium of the Supreme Judicial Council, and presenting them to the judges collegium of the Supreme Judicial Council and to the Minister of Justice;

15. (new - SG 62/16, in force from 09.08.2016, amend. - SG 17/19) organizing the publication of the court's acts in force on the website of the district court in compliance with the requirements for the protection of personal data;

16. (new - SG 62/16, in force from 09.08.2016) publish the annual report of the activity of the court

on the website of the district court within one month from presenting it to the chairman of the regional court;

17. (new - SG 62/16, in force from 09.08.2016) determining the workload under **Art. 79, Para 2, Item 9** in accordance with the adopted rules.

(2) (Amend. – SG, 29/19) The orders of the chairman and the rules, confirmed by him about the organization of the work of the court shall be obligatory for all judges and employees.

Art. 81. (1) (amend. - SG 33/09, amend. – SG 90/17, amend. - SG 11/20) If a judge position in the district court is vacant or a judge is unable to perform his duties and may not be substituted by another judge of the same court, the chairman of the relevant regional court may commission in his place a judge from another district court, a judge from the regional court or a junior judge, having at least one year of practice. The secondment shall be done subject to the conditions of **Art. 227**. The secondment shall be carried out in compliance with the conditions of **Art. 227**.

(2) Where the commission is impossible, the chairman of the appellate court may commission a judge from the venue of another district court under the conditions of Para 1.

(3) (new - SG 33/09) Where the commissioning under Para 1 and 2 is not possible, the Chairman of the Supreme Court of Cassation may commission a judge from the region of another appellate court.

(4) (prev. text of Para 03, suppl. - SG 33/09; revoked – SG 62/16, in force from 09.08.2016)

Section IV. Regional Court

Art. 82. (1) The regional court shall consider as first instance:

1. criminal cases sitting with one judge and two jurors, unless otherwise stipulated in a law;
2. civil cases sitting with one judge.

(2) A junior judge may participate in a sitting of the court of first instance on a criminal case, but shall not be the only judge or in charge thereof.

Art. 83. (1) The regional court shall consider cases as second instance sitting with three judges, unless otherwise stipulated in a law.

(2) (suppl. - SG 62/16, in force from 09.08.2016, amend. – SG, 29/19) In the cases under Para 1 only one of the members of the sitting of the regional court may be a junior judge.

(3) The sitting shall be chaired by the judge most senior in position or rank.

Art. 84. (1) The regional court shall consist of judges and junior judges and shall be managed by a chairman.

(2) Upon decision of the general assembly of the judges, chambers may be formed at the regional court, managed by the chairman or by his deputies.

Art. 85. (1) (suppl. - SG 62/16, in force from 09.08.2016) The regional court shall have a general assembly, which shall consist of all judges, wherein the commissioned judges shall participate without voting rights.

(2) The junior judges and the chairmen of the district courts shall participate in the general assembly, but shall not participate in voting.

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

1. (amend. - SG 62/16, in force from 09.08.2016) determine the number and composition of the chambers, if available, as well as their specialisation in law area;

2. (new - SG 62/16, in force from 09.08.2016) may nominate a chairman of the corresponding court and hear all candidates;

3. (new - SG 62/16, in force from 09.08.2016) hear the candidates for deputies of the chairman

proposed by him and may issue an opinion on the proposals;

4. (new - SG 62/16, in force from 09.08.2016) discuss the annual report of the chairman of the performance of the court;
5. (new - SG 62/16, in force from 09.08.2016) address opinions to the Council of Ministers and the National Assembly on draft laws concerning the activities of the regional courts;
6. (new - SG 62/16, in force from 09.08.2016) adopt internal rules on the organisation of its operation;
7. (new - SG 62/16, in force from 09.08.2016) adopt rules determining the workload of the chairman of the court, his deputies, the chairmen of chambers, if available, of the regional court judges entrusted with organisational functions, and in cases of health authorities prescriptions;
8. (prev. text of Item 02 - SG 62/16, in force from 09.08.2016) analyse and summarize the practice of the regional court and the district courts within its judicial venue;
9. (prev. text of Item 03 - SG 62/16, in force from 09.08.2016) periodically review the state of the criminality and other offences and summarize the experience of the regional court and the district courts within its judicial venue;
10. (prev. text of Item 04 - SG 62/16, in force from 09.08.2016) provide opinion in case of requests for interpretation decisions or interpretation decrees;
11. (prev. text of Item 05 - SG 62/16, in force from 09.08.2016) adopt decisions in other cases stipulated in a law.

(4) (amend. and suppl. - SG 62/16, in force from 09.08.2016) The general assembly may issue opinions on questions related to the organisation of the court, which are within the competence of the chairman of the regional court at the proposal of at least one third of the judges.

(5) (new - SG 01/11, in force from 04.01.2011) The general meeting may be summoned also at the request of at least one third of all judges.

(6) (prev. text of Para 05 - SG 01/11, in force from 04.01.2011) The general assembly shall be conducted, if more than half of all judges are present, and shall adopt decisions with majority of more than half of the present judges.

(7) (new - SG 62/16, in force from 09.08.2016) The commissioned judges shall participate with voting rights in the general assemblies of the court, from which they have been commissioned.

Art. 86. (1) (amend. - SG 62/16, in force from 09.08.2016) The chairman of the regional court shall perform general organizational and administrative management of the regional court by:

1. representing the court as a legal person and a body of the judiciary;
2. organising the work of the judges and the jurors;
3. organising the training of the trainee lawyers;
4. proposing to the general assembly together with his deputies the allocation of judges to chambers, where available;
5. determining at the proposal of the general assembly the chairmen of chambers, where available, for a term of 5 years;
6. carrying out personally or by assigning a judge of the regional court inspections of the organization of activity of the judges of the district court, as well as of the state bailiffs and of the registry judges;
7. convening and chairing the general assembly of the court;
8. being able to chair panels of judges of any chamber, where available, in compliance with the principle of random selection in the distribution of the cases;
9. organising the raising of the qualification of the judges in the court's jurisdiction;
10. convening the judges of the regional court and the district courts to discuss the report referred to in Item 15, the reports of inspections of the district courts and the opinions to the requests for adopting interpretative decisions or interpretative decrees;

11. appointing and dismissing the employees of the court and organizing the work of the various services;
 12. commissioning the judges as set out in **Art. 81**, as well as the state bailiffs and the registry judges within the venue of the regional court under the conditions of **Art. 274** and **290**;
 13. managing and controlling the work of the judicial assistants;
 14. approving the staff establishment plan of the administration of the court after its discussion within the general assembly of the regional court;
 15. drawing up an annual report of the performance of the court and submitting it by the end of February to the chairman of the appellate court for inclusion into the annual report;
 16. in the end of every six months submitting to the Inspectorate at the Supreme Judicial Council summarized information on the initiation, course and conclusion of the first instance and appellate cases, as well as the acts finally overturned by the higher instances;
 17. providing information, summaries and statistical data in electronic form according to samples and within time limits, approved by the judges collegium of the Supreme Judicial Council, and presenting them to the judges collegium of the Supreme Judicial Council and to the Minister of Justice;
 18. (amend. - SG 17/19) organizing the publication of the court's acts in force on the website of the regional court in compliance with the requirements for the protection of personal data;
 19. publishing the annual report of the performance of the court on the website of the regional court within one month from presenting it to the chairman of the appellate court;
 20. determining the workload under **Art. 85, Para 3, Item 7** in accordance with the adopted rules.
- (2) (Amend. – SG, 29/19) The orders of the chairman and the rules, confirmed by him about the organization of the work of the court shall be obligatory for all judges and employees therein.

Art. 87. (1) (amend. - SG 33/09; amend. - SG 62/16, in force from 09.08.2016, suppl. – SG 90/17) If a judge in the regional court is unable to perform his duties and may not be substituted by another judge of the same court, the chairman of the appellate court may commission in his place a judge from the appellate court, from another regional court or a judge from a district court from the venue of the appellate court. The commissioning shall be in compliance with the requirements of **Art. 227**. By way of exception, secondment may also be in a vacant position, subject to the conditions of **Art. 227, para. 2 - 9**.

(2) (new - SG 33/09; suppl. – SG 50/12) Where the commissioning under Para 1 is not possible, the Chairman of the Supreme Court of Cassation may commission a regional, district or appellate judge with the relevant rank from the region of another appellate court under the terms of **Art. 227**.

(3) (prev. text of Para 02, suppl. - SG 33/09; revoked - SG 62/16, in force from 09.08.2016)

Art. 88. In the city of Sofia there shall be a city court with the competences of a regional court.

Section V. Administrative Court

Art. 89. (1) All administrative cases shall be under the jurisdiction of the administrative court as first instance, except those, which according to the law shall be under the jurisdiction of the Supreme Administrative Court.

(2) The seats and the judicial venues of the administrative courts shall coincide with the seats and the judicial venues of the regional courts.

Art. 90. (1) The administrative courts shall consider the administrative cases sitting with one judge, unless otherwise stipulated in a law.

(2) In the cases provided for by the law the proceedings before the administrative court shall be attended by a prosecutor from the administrative department of the relevant regional prosecution authority.

Art. 91. (1) The administrative court shall consist of judges and shall be managed by a chairman.

(2) Upon decision of the general assembly of the judges chambers specialized in subject and managed by the chairman or his deputies may be formed at the administrative courts.

Art. 92. (1) (suppl. - SG 62/16, in force from 09.08.2016) The administrative court shall have a general assembly, consisting of all judges, wherein those commissioned shall participate without voting rights.

(2) (amend. - SG 62/16, in force from 09.08.2016) The general assembly shall:

1. determine the number and composition of the chambers, if available, as well as their specialisation in law area;
2. may nominate a chairman of the corresponding court and hear all candidates;
3. hear the candidates for deputies of the chairman proposed by him and may issue an opinion on the proposals;
4. provide opinions in case of requests for interpretation decisions or interpretation decrees concerning the activities of the court;
5. discuss the annual report of the chairman of the performance of the court;
6. address opinions to the Council of Ministers and the National Assembly on draft laws concerning the activities of the administrative courts;
7. adopt internal rules on the organisation of its operation;
8. adopt rules determining the workload of the chairman of the court, his deputies, the chairmen of chambers, if available, of the administrative court judges entrusted with organisational functions, and in cases of health authorities prescriptions;
9. in the end of every three years discuss the allocation of judges to chambers, if created, and propose it to the chairman;
10. analyse and summarize the practice of the administrative court;
11. address opinions to the Supreme Administrative Court on requests for adoption of interpretation decisions and interpretation decrees;
12. adopt decisions in other cases stipulated in a law.

(3) (amend. and suppl. - SG 62/16, in force from 09.08.2016) The general assembly may issue opinions on questions related to the organisation of the court, which are within the competence of the chairman of the administrative court at the proposal of at least one third of the judges.

(4) (new - SG 01/11, in force from 04.01.2011) The general meeting may be summoned also at the request of at least one third of all judges.

(5) (prev. text of Para 04 - SG 01/11, in force from 04.01.2011) The general assembly shall be conducted, if more than half of all judges are present, and shall adopt decisions with majority of more than half of the present judges.

(6) (new - SG 62/16, in force from 09.08.2016) The commissioned judges shall participate with voting rights in the general assemblies of the court, from which they have been commissioned.

Art. 93. (1) (amend. - SG 62/16, in force from 09.08.2016) The chairman of the administrative court shall perform general organizational and administrative management of the administrative court by:

1. representing the court as a legal person and a body of the judiciary;
2. organising the work of the judges;
3. proposing to the general assembly together with his deputies the allocation of judges to chambers, where available;
4. determining at the proposal of the general assembly the chairmen of chambers, where available, for a term of 5 years;
5. convening and chairing the general assembly of the court;

6. being able to chair panels of judges of any chamber, where available, in compliance with the principle of random selection in the distribution of the cases;
 7. appointing and dismissing the employees of the court and organizing the work of the various services;
 8. convening the judges of the regional court and the administrative court to discuss the report referred to in Item 13 and the requests for adopting interpretative decisions or interpretative decrees;
 9. (revoked - SG 49/18)
 10. managing and controlling the work of the judicial assistants;
 11. approving the staff establishment plan of the administration of the court after its discussion within the general assembly of the administrative court;
 12. (amend. - SG 17/19) organizing the publication of the court's acts on the website of the administrative court in compliance with the requirements for the protection of personal data;
 13. drawing up an annual report of the performance of the court and submitting it by the end of February to the chairman of the Supreme Administrative Court for inclusion into the annual report;
 14. in the end of every six months submitting to the Inspectorate at the Supreme Judicial Council summarized information on the initiation, course and conclusion of the cases, as well as the acts finally overturned by the higher instances;
 15. publishing the annual report of the performance of the court on the website of the administrative court within one month from presenting it to the chairman of the Supreme Administrative Court;
 16. providing information, summaries and statistical data in electronic form according to samples and within time limits, approved by the judges collegium of the Supreme Judicial Council, and presenting them to the judges collegium of the Supreme Judicial Council and to the Minister of Justice;
 17. determining the workload under **Art. 92, Para 2, Item 8** in accordance with the adopted rules.
- (2) (Amend. – SG, 29/19) The orders of the chairman and the rules, confirmed by him about the organization of the work of the court shall be obligatory for all judges and employees.

Art. 94. (1) (amend. - SG 33/09; amend. - SG 62/16, in force from 09.08.2016, suppl. – SG 90/17, suppl. - SG 49/18) If a judge of the administrative court is unable to perform his duties and may not be substituted by another judge of the same court, the chairman of the Supreme Administrative Court may commission in his place a judge from another administrative court, judge from regional court or judge from district court with a rank of judge from regional court. The commissioning shall be in compliance with the requirements of **Art. 227**. By way of exception, secondment may also be in a vacant position, subject to the conditions of **Art. 227, para. 2 - 9**.

(2) (suppl. - SG 33/09; revoked - SG 62/16, in force from 09.08.2016)

Section VI. Military Court

Art. 95. (1) The competence of the military court shall be determined in a law.

(2) The military court shall be equal to a regional court.

Art. 96. The military court shall consist of judges and shall be managed by a chairman.

Art. 97. (1) The military courts shall consider the cases sitting with one judge and jurors, unless otherwise stipulated in a law.

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

Art. 98. (1) (suppl. - SG 62/16, in force from 09.08.2016) The military court shall have a general

assembly consisting of all judges, where in those commissioned shall participate without voting rights.

(2) The general assembly of the military court shall have the respective competences of the general assembly of a regional court.

(3) (amend. and suppl. - SG 62/16, in force from 09.08.2016) The general assembly shall issue opinions on questions related to the organization of the activity of the court, which are of the competence of the chairman of the military court at the proposal of not less than one third of the judges.

(4) (new - SG 01/11, in force from 04.01.2011) The general meeting may be summoned also at the request of at least one third of all judges.

(5) (prev. text of Para 04 - SG 01/11, in force from 04.01.2011) The general assembly shall be conducted, if more than half of all judges are present, and shall adopt decisions with majority of more than half of the present judges.

(6) (new - SG 62/16, in force from 09.08.2016) The commissioned judges shall participate with voting rights in the general assemblies of the court, from which they have been commissioned.

Art. 99. The chairman of the military court shall have the respective competences of a chairman of a regional court.

Art. 100. (1) (amend. - SG 33/09, suppl. – SG 90/17) If a judge position in the military court is vacant or a judge is unable to perform his duties and may not be substituted by another judge of the same court, the chairman of the military-appellate court may commission in his place a judge from another military court. The commissioning shall be in compliance with the requirements of **Art. 227**. By way of exception, secondment may also be in a vacant position, subject to the conditions of **Art. 227, para. 2 - 9**.

(2) (suppl. - SG 33/09; revoked - SG 62/16, in force from 09.08.2016)

Section VI "a".

Specialized Criminal Court (New - SG 01/11, in force from 04.01.2011, repealed, - SG, 32/22, in force from 27.07.2022)

Art. 100a. (New - SG 01/11, in force from 04.01.2011, repealed – SG, 32/22, in force from 27.07.2022)

Art. 100b. (New - SG 01/11, in force from 04.01.2011, repealed – SG, 32/22, in force from 27.07.2022)

Art. 100c. (New - SG 01/11, in force from 04.01.2011, repealed – SG, 32/22, in force from 27.07.2022)

Art. 100d. (New - SG 01/11, in force from 04.01.2011; amend. and suppl. - SG 62/16, in force from 09.08.2016, repealed – SG, 32/22, in force from 27.07.2022)

Art. 100e. (New - SG 01/11, in force from 04.01.2011, repealed – SG, 32/22, in force from 27.07.2022)

Art. 100f. (new - SG 01/11, in force from 04.01.2011) (1) (amend. - SG 62/16, in force from 09.08.2016, suppl. – SG 90/17, repealed – SG, 32/22, in force from 27.07.2022)

Section VII. Appellate Court

Art. 101. (1) The appellate court shall consider lawsuits, initiated by appeals and contests against the first instance acts of the regional courts within its venue.

(2) The military-appellate court shall be only one and shall consider lawsuits, initiated by appeals and contests against the acts of the military courts all over the country.

- Art. 102. (1) The appellate court shall consist of judges and shall be managed by a chairman.
(2) The military-appellate court shall consist of judges and shall be managed by a chairman.

Art. 103. Upon decision of the general assembly of the judges at the appellate court chambers may be formed, which shall be managed by the chairman or his deputies.

Art. 104. (1) (suppl. - SG 62/16, in force from 09.08.2016) The appellate court shall have a general assembly consisting of all judges, wherein the commissioned judges shall participate without voting rights. The chairmen of the regional courts may participate in it, but shall not participate in voting.

(2) The general assembly of the appellate court shall have respectively the competences of the general assembly of a regional court.

(3) (amend. and suppl. - SG 62/16, in force from 09.08.2016) The general assembly issue opinions on questions related to the organization of the activity of the court, which are of the competence of the chairman of the appellate court, at the proposal of not less than one third of the judges.

(4) (new - SG 01/11, in force from 04.01.2011) The general meeting may be summoned also at the request of at least one third of all judges.

(5) (prev. text of Para 04 - SG 01/11, in force from 04.01.2011) The general assembly shall be conducted, if more than half of all judges are present, and shall adopt decisions with majority of more than half of the present judges.

(6) (new - SG 62/16, in force from 09.08.2016) The commissioned judges shall participate with voting rights in the general assemblies of the court, from which they have been commissioned.

Art. 105. The appellate court shall sit with three judges, unless otherwise stipulated in a law.

Art. 106. (1) (amend. - SG 62/16, in force from 09.08.2016) The chairman of the appellate court shall perform general organizational and administrative management of the appellate court by:

1. representing the court as a legal person and a body of the judiciary;
2. organising the work of the judges;
3. proposing to the general assembly together with his deputies the allocation of judges to chambers, where available;
4. determining at the proposal of the general assembly the chairmen of chambers, where available, for a term of 5 years;
5. convening and chairing the general assembly of the court;
6. being able to chair panels of judges of any chamber in compliance with the principle of random selection in the distribution of the cases;
7. carrying out personally or by assigning a judge of the appellate court inspections of the organization of activity of the judges of the regional courts within its jurisdiction;
8. convening the judges of the appellate court and the regional courts to discuss the report referred to in Item 14, the inspections reports and the requests for adopting interpretative decisions or interpretative decrees;
9. commissioning the judges as set out in **Art. 107**;
10. analysing and summarising the case law of the appellate court and of the regional courts within its jurisdiction;
11. managing and controlling the work of the judicial assistants;
12. approving the staff establishment plan of the administration of the court after its discussion within the general assembly of the appellate court;
13. appointing and dismissing employees of the court and organising the work of the services;
14. drawing up an annual report of the performance of the appellate court, of the regional courts and of the district courts within its jurisdiction and submitting it by 31 March to the chairman of the

Supreme Court of Cassation for inclusion into the annual report;

15. (amend. - SG 17/19) organising the publication of the court's acts in force on the website of the appellate court in compliance with the requirements for the protection of personal data;

16. publishing the annual report of the performance of the court on the website of the appellate court within one month from presenting it to the chairman of the Supreme Court of Cassation;

17. providing information, summaries and statistical data in electronic form according to samples and within time limits, approved by the judges collegium of the Supreme Judicial Council, and presenting them to the judges collegium of the Supreme Judicial Council and to the Minister of Justice;

18. determining the workload in accordance with the general rules.

(2) (Amend. – SG, 29/19) The orders of the chairman of the appellate court and the rules, confirmed by him about the organization of the work of the court shall be obligatory for all judges and employees.

(3) The chairman of the military-appellate court shall have the same competences in respect of the military courts.

Art. 107. (1) (amend. - SG 33/09; amend. - SG 62/16, in force from 09.08.2016, suppl. – SG 90/17) If an appellate court judge is unable to perform his duties and may not be substituted by another judge of the same court, the chairman of the appellate court may commission in his place a judge from a regional court, having the required rank in compliance with the requirements of **Art. 227**. By way of exception, secondment may also be in a vacant position, subject to the conditions of Art. 227, para. 2 - 9.

(2) (suppl. - SG 62/16, in force from 09.08.2016) The chairman of the military-appellate court shall commission judges of the military courts under the conditions of Para 1. Where the military-appellate court cannot form a panel, the chairman shall commission a judge of the regional military courts as set out in the **Ordinance on the Business Trips inside the Country** (prom. - SG 11/87; amend. - SG 21/91, SG 02/94, SG 62/95, SG 34/97, SG 40/976, SG 40/99, SG 02/08 and SG 02/11).

(3) (new - SG 33/09) Where the commissioning under Para 1 is not possible, the Chairman of the Supreme Court of Cassation may commission an appellate judge from the region of another appellate court.

(4) (new - SG 33/09; revoked - SG 62/16, in force from 09.08.2016)

Section VII "a".

Appellate Specialised Criminal Court (New - SG 01/11, in force from 04.01.2011, repealed – SG, 32/22, in force from 27.07.2022)

Art. 107a. (New - SG 01/11, in force from 04.01.2011, repealed – SG, 32/22, in force from 27.07.2022)

Art. 107b. (New - SG 01/11, in force from 04.01.2011, repealed – SG, 32/22, in force from 27.07.2022)

Art. 107c. (New - SG 01/11, in force from 04.01.2011. repealed – SG, 32/22, in force from 27.07.2022)

Section VIII.

Supreme Court of Cassation

Art. 108. (1) The Supreme Court of Cassation shall be the highest judicial instance on criminal and civil cases. Its jurisdiction shall cover the entire territory of the Republic of Bulgaria.

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

Art. 109. (1) The Supreme Court of Cassation shall consist of judges and shall be managed by a chairman.

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

(3) (suppl. - SG 62/16, in force from 09.08.2016) The college shall be managed by the chairman or his deputy, who shall be entitled to chair sittings of the relevant college in compliance with the principle of random selection in the allocation of the cases, without displacing the rapporteur.

(4) In the colleges shall be formed chambers.

Art. 110. The Supreme Court of Cassation shall sit with:

1. three judges, unless otherwise stipulated in a law;
2. the general assembly of the criminal, civil or commercial college - when considering requests for adoption of an interpretation decision in the criminal, civil or commercial justice;
3. the general assembly of the civil and the commercial colleges - when considering requests for adoption of an interpretation decision on questions common for the civil and the commercial justice;
4. (new - SG 62/16, in force from 09.08.2016) the general assembly of the criminal, civil and commercial colleges - when considering requests for adoption of interpretation decisions on questions on the criminal, civil and commercial justice.

Art. 111. (amend. - SG 62/16, in force from 09.08.2016) (1) The plenum of the Supreme Court of Cassation shall consist of all judges except those commissioned.

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

1. hear the candidates for a chairman of the court and may issue an opinion on the proposals;
2. determine the composition of the colleges and the number and composition of the chambers;
3. hear the candidates for deputies of the chairman proposed by him and may issue an opinion on the proposals;
4. hear the candidates for chairmen of chambers;
5. adopt rules determining the workload of the chairman of the court, his deputies, the chairmen of chambers, the judges of the Supreme Court of Cassation, of those entrusted with organisational functions, and in cases of health authorities prescriptions;
6. address opinions to the Council of Ministers and the National Assembly on draft laws concerning the activities of the Supreme Court of Cassation;
7. adopt opinions on constitutional cases, in which the Supreme Court of Cassation is a party;
8. discuss and adopt the annual report of the chairman of the performance of the Supreme Court of Cassation;
9. adopt internal rules on the organisation of its operation.

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

(4) The plenum of the Supreme Court of Cassation shall may adopt opinions on questions related to the organization of the activity of the court, which are of the competence of the chairman, at the proposal of not less than one third of the judges.

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

(6) A sitting of the plenum of the Supreme Court of Cassation shall be conducted, if more than half of all judges are present. The decisions shall be adopted with majority of more than half of the present judges.

(7) The specialisation of the chambers in fields of law shall be determined by the chairman of the court, where it is necessary to guarantee the consideration of the cases within a reasonable term.

Art. 112. (1) (suppl. - SG 62/16, in force from 09.08.2016) The general assembly of the criminal, civil or commercial college shall consist of all judges in it, wherein those commissioned shall participate without voting rights. The commissioned judges shall participate with voting rights in the general assembly of

the corresponding college in cases of issuing interpretation decision.

(2) (suppl. - SG 62/16, in force from 09.08.2016) The general assembly of the civil and commercial colleges shall consist of all judges in both of the colleges excluding those commissioned.

(3) The general assembly of each of the colleges shall be conducted, if more than half of all judges are present, and shall adopt decisions with majority of more than half of the present judges.

(4) (amend. and suppl. - SG 62/16, in force from 09.08.2016) The general assembly of a college for adopting interpretation decisions shall be conducted, if more than two thirds of all judges in it are present, and in the cases of **Art. 110, Items 3 and 4** - more than two thirds of all judges in the corresponding colleges, and shall adopt decisions with majority of more than half of all judges of the college or the colleges.

(5) (new - SG 62/16, in force from 09.08.2016) The commissioned judges shall participate with voting rights in the general assemblies of the court, from which they have been commissioned.

Art. 113. (1) The sessions of the plenum may be attended by:

1. the Chief Prosecutor or his deputy at the Supreme Prosecution Authority of Cassation;
2. the chairmen of the appellate courts and other judges;
3. the chairman or a member of the Supreme BAR Council;
4. the Minister of Justice.

(2) The chairman of the Supreme Court of Cassation shall notify the persons referred to in Para 1 of the date and hour of convening the session.

(3) The persons referred to in Para 1 may express opinions, but shall not participate in the voting.

Art. 114. (1) (amend. - SG 62/16, in force from 09.08.2016) The chairman of the Supreme Court of Cassation shall carry out general organizational and administrative management of the Supreme Court of Cassation by:

1. representing the court as a legal person and a body of the judiciary;
2. organising the work of the judges;
3. convening and chairing the general assembly of the colleges and of the plenum of the Supreme Court of Cassation or assigning this to his deputies;
4. proposing the adoption of interpretation decisions and interpretation decrees;
5. proposing to the plenum of the Supreme Court of Cassation together with his deputies the allocation of judges to colleges and chambers;
6. determining the chairmen of chambers from among the judges of the Supreme Court of Cassation for a term of 5 years;
7. chairing judicial panels in the cases provided in the law and having the right to chair judicial panels of all chambers in compliance with the principle of random selection in the allocation of the cases, without displacing the rapporteur;
8. commissioning the judges as set out in **Art. 115**;
9. carrying out personally or by assigning a judge of the Supreme Court of Cassation inspections of the organization of activity of the judges of the appellate courts;
10. convening the judges of the Supreme Court of Cassation and the appellate courts to discuss the inspection reports;
11. managing and controlling the work of the judicial assistants;
12. approving the staff establishment plan of the administration of the court;
13. appointing and dismissing employees of the court;
14. at the end of every six months preparing and submitting to the judges collegium at the Supreme Judicial Council, of the Inspectorate of the Supreme Judicial Council and of the minister of Justice summarised information of the opening, the progress and the finalisation of the cases;
15. drawing up an annual report of the performance of the Supreme Court of Cassation and

publishing it on the [website](#) of the Supreme Court of Cassation within one month from its preparation;

16. (amend. - SG 17/19) organising the publication of the acts of the Supreme Court of Cassation on the website of the court in compliance with the requirements for the protection of personal data;

17. organising the publication of a monthly bulletin of the Supreme Court of Cassation;

18. determining the workload under **Art. 111, Para 2, Item 5** in accordance with the general rules.

(2) (amend. - SG 28/16) The chairman of the Supreme Court of Cassation shall draft a summarized annual report on the application of the Act and the activity of the courts, except of the administrative courts, and shall submit it to the plenum of the Supreme Judicial Council by 30 April.

(3) (new - SG 62/16, in force from 09.08.2016) Within 14 days from submission of the report under Para 2 the Supreme Judicial Council shall perform a hearing of the chairman of the Supreme Court of Cassation. At the hearing the members of the Council may extend also written questions submitted by citizens, institutions and non-governmental organisations in relation to the report, to which the chairman of the Supreme Court of Cassation shall respond.

(4) (new - SG 62/16, in force from 09.08.2016) The Supreme Judicial Council shall submit to the National Assembly the report under Para 2 by 31 May. The report shall be discussed after the National Assembly hears the chairman of the Supreme Court of Cassation. During the discussion of the report the national representatives may extend also written question submitted by citizens, institutions and non-governmental organisations in relation to the report, to which the chairman of the Supreme Court of Cassation shall respond.

(5) (prev. text of Para 03 - SG 62/16, in force from 09.08.2016, amend. – SG, 29/19) The orders of the chairman and the rules, confirmed by him about the organization of the work of the court shall be obligatory for all judges and employees.

Art. 115. (1) (amend. - SG 33/09; amend. and suppl. - SG 62/16, in force from 09.08.2016, suppl. – SG 90/17) If a judge in the Supreme Court of Cassation is unable to perform his duties and may not be substituted by another judge of the same court, the chairman of the Supreme Court of Cassation may commission in his place a judge from an appellate or a regional court, with the corresponding rank, with at least 12 years of legal practice. The commissioning shall be in compliance with the requirements of **Art. 227**. By way of exception, secondment may also be in a vacant position, subject to the conditions of Art. 227, para. 2 - 9.

(2) (suppl. - SG 33/09; revoked - SG 62/16, in force from 09.08.2016)

Section IX.

Supreme Administrative Court

Art. 116. (1) The jurisdiction of the Supreme Administrative Court shall cover the entire territory of the Republic of Bulgaria.

(2) The seat of the Supreme Administrative Court shall be in Sofia.

Art. 117. (1) The Supreme Administrative Court shall consist of judges and shall be managed by a chairman.

(2) (amend. - SG 62/16, in force from 09.08.2016) The Supreme Administrative Court shall have colleges, managed by the chairman or his deputy, who shall be entitled to chair sittings of the relevant college, in compliance with the random selection principle in the allocation of the cases, without displacing the rapporteur.

Art. 118. The Supreme Administrative Court shall sit with:

1. three judges, unless otherwise stipulated in a law;

2. the general assembly of the college - when considering requests for adoption of an interpretation

decision in the administrative justice;

3. the general assembly of all colleges - when considering requests for adoption of an interpretation decision on common questions for the administrative justice.

Art. 119. (amend. - SG 62/16, in force from 09.08.2016) (1) The plenum of the Supreme Administrative Court shall consist of all judges without those commissioned.

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

1. hear the candidates for a chairman of the court and may issue an opinion on the proposals;
2. determine the number and the composition of the colleges and the number and composition of the chambers;
3. hear the candidates for deputies of the chairman proposed by him and may issue an opinion on the proposals;
4. hear the candidates for chairmen of chambers;
5. adopt rules determining the workload of the chairman of the court, his deputies, the chairmen of chambers, the judges of the Supreme Administrative Court, of those entrusted with organisational functions, and in cases of health authorities prescriptions;
6. address opinions to the Council of Ministers and the National Assembly on draft laws concerning the activities of the Supreme Administrative Court;
7. adopt opinions on constitutional cases, in which the Supreme Administrative Court is a party;
8. discuss and adopt the annual report of the chairman of the performance of the Supreme Administrative Court;
9. adopt rules on the operation of the general assemblies of the corresponding colleges;
10. adopt internal rules on the organisation of its operation.

(3) At the proposal of at least two thirds of the judges the plenum of the Supreme Administrative Court shall may issue opinions on questions related to the organization of the activity of the court, which are of the competence of the chairman.

(4) The plenum of the Supreme Administrative Court shall be summoned by the chairman at the request of at least one third of all judges.

(5) The session of the plenum of the Supreme Administrative Court shall be conducted, if more than half of all judges are present. The decisions shall be adopted with majority of more than half of the present judges.

(6) The specialisation of the chambers according to fields of law may be determined by the chairman of the court, where it is necessary to consider the cases in reasonable terms.

Art. 120. (1) (suppl. - SG 62/16, in force from 09.08.2016) The general assembly of a college shall consist of all judges in it, wherein those commissioned shall participate without voting rights. The commissioned judges shall participate with voting rights in the general assembly of the corresponding collegium at the delivery of interpretation decisions.

(2) The general assembly of a college shall be conducted, if more than half of all judges from the college are present, and shall adopt decisions with majority of more than half of the present judges.

(3) The general assembly for adopting interpretation decisions shall be conducted, if more than two thirds of all judges of the college are present, and in the cases of **Art. 118, Item 3** - more than two thirds of the judges in all colleges, and shall adopt decisions with majority of more than half of all judges of the college or the colleges.

(4) (new - SG 62/16, in force from 09.08.2016) The commissioned judges shall participate with voting rights in the general assemblies of the court, from which they have been commissioned.

Art. 121. (1) The sessions of the plenum may be attended by:

1. the Chief Prosecutor or his deputy at the Supreme Administrative Prosecutor's Office;

2. the chairmen of the administrative courts and other judges;
3. the chairman or a member of the Supreme BAR Council;
4. the Minister of Justice.

(2) The chairman of the Supreme Administrative Court shall notify the persons referred to in Para 1 of the date and hour of convening the session.

(3) The persons referred to in Para 1 may express opinions, but shall not participate in the voting.

Art. 122. (1) (amend. - SG 62/16, in force from 09.08.2016) The chairman of the Supreme Administrative Court shall carry out general organizational and administrative management of the Supreme Administrative Court by:

1. representing the court as a legal person and a body of the judiciary;
2. organising the work of the judges;
3. convening and chairing the general assembly of the colleges and of the plenum of the Supreme Administrative Court or assigning this to his deputies;
4. proposing the adoption of interpretation decisions and interpretation decrees;
5. proposing to the plenum of the Supreme Administrative Court together with his deputies the allocation of judges to colleges and chambers;
6. determining the chairmen of chambers from among the judges of the Supreme Administrative Court for a term of 5 years;
7. having the right to chair judicial panels of all chambers in compliance with the principle of random selection in the allocation of the cases, without displacing the rapporteur;
8. commissioning the judges as set out in **Art. 123**;
9. carrying out personally or by assigning a judge of the Supreme Administrative Court inspections of the organization of activity of the judges of the administrative courts;
10. convening the judges of the Supreme Administrative Court and the administrative courts to discuss the inspection reports;
11. managing and controlling the work of the judicial assistants;
12. approving the staff establishment plan of the administration of the court;
13. appointing and dismissing employees of the court;
14. at the end of every six months preparing and submitting to the judges collegium at the Supreme Judicial Council, of the Inspectorate of the Supreme Judicial Council and of the Minister of Justice summarised information of the opening, the progress and the finalisation of the cases;
15. drawing up an annual report of the performance of the Supreme Administrative Court and publishing it on the [website](#) of the Supreme Administrative Court within one month from its preparation;
16. (amend. - SG 17/19) organising the publication of the acts of the Supreme Administrative Court on the website of the court in compliance with the requirements for the protection of personal data;
17. organising the publication of a monthly bulletin of the Supreme Administrative Court;
18. determining the workload under **Art. 119, Para 2, Item 5** in accordance with the general rules.

(2) (amend. - SG 28/16) The chairman of the Supreme Administrative Court shall draft a summarized annual report on the application of the Act and the activity of the administrative courts and shall submit it to the plenum of the Supreme Judicial Council by 30 April.

(3) (new - SG 62/16, in force from 09.08.2016) Within 14 days from submission of the report under Para 2 the Supreme Judicial Council shall perform a hearing of the chairman of the Supreme Administrative Court. At the hearing the members of the Council may extend also written questions submitted by citizens, institutions and non-governmental organisations in relation to the report, to which the chairman of the Supreme Administrative Court shall respond.

(4) (new - SG 62/16, in force from 09.08.2016) The Supreme Judicial Council shall submit to the National Assembly the report under Para 2 by 31 May. The report shall be discussed after the National Assembly hears the chairman of the Supreme Administrative Court. During the discussion of the report the

national representatives may extend also written question submitted by citizens, institutions and non-governmental organisations in relation to the report, to which the chairman of the Supreme Administrative Court shall respond.

(5) (prev. text of Para. 3 - SG 62/16, in force from 09.08.2016, amend. – SG, 29/19) The orders of the chairman and the rules, confirmed by him about the organization of the work of the court shall be obligatory for all judges and employees.

Art. 123. (1) (amend. - SG 33/09; suppl. - SG 01/11, in force from 04.01.2011; amend. - SG 62/16, in force from 09.08.2016, suppl. – SG 90/17) If a judge of the Supreme Administrative Court is unable to perform his duties and may not be substituted by another judge of the same court, the chairman of the Supreme Administrative Court may commission in his place a judge from an administrative court or another court with a corresponding rank with at least 12 years of legal practice. The commissioning shall be in compliance with the requirements of **Art. 227**. By way of exception, secondment may also be in a vacant position, subject to the conditions of Art. 227, para. 2 - 9.

(2) (suppl. - SG 33/09; revoked - SG 62/16, in force from 09.08.2016)

Art. 123a. (new - SG 77/18, in force from 01.01.2019) (1) The chairman of the Supreme Administrative Court may second, following an opinion from the Director of the National Institute of Justice, for a period of one year a judge of the Supreme Administrative Court or the administrative courts, who will also 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) A seconded judge should be provided with an 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 and to be provided access to cases, participation and attendance at conferences, 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 these courts, as well as relevant articles and editions, relating to the application of European Union law, relevant to the administrative justice.

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

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

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

(6) After receiving the relevant information from the seconded Judge, the director of the National Institute of Justice takes action on the preparation of a program for conducting ongoing training for magistrates, relating to the application of European law in the field of administrative justice in order to maintain and improve their professional qualification.

Section X.

Interpretation Decisions and Interpretation Decrees

Art. 124. (1) In case of contradictory or wrong practice of interpretation and application of the Act an interpretation decision shall be adopted by the general assembly of:

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

2. the civil and commercial colleges of the Supreme Court of Cassation;
3. (new - SG 62/16, in force from 09.08.2016) the criminal, civil and commercial colleges of the Supreme Court of Cassation;
4. (prev. text of Item 03 - SG 62/16, in force from 09.08.2016) a college of the Supreme Administrative Court;
5. (prev. text of Item 04 - SG 62/16, in force from 09.08.2016) all colleges of the Supreme Administrative Court.

(2) (suppl. - SG 62/16, in force from 09.08.2016) In case of contradictory or wrong practice of the Supreme Court of Cassation and the Supreme Administrative Court the general assembly of the judges of the relevant colleges of both courts including those commissioned shall jointly adopt an interpretation decree.

(3) (New – SG 109/20, in force from 23.12.2021) In case of contradictory or incorrect practice in the interpretation and application of the **Administrative Violations and Penalties Act**, the respective colleges of the Supreme Court of Cassation and the Supreme Administrative Court shall jointly adopt an interpretation decree.

Art. 125. (Suppl.– SG 109/20, in force from 23.12.2021) Requests for adopting interpretation decisions or interpretation decrees shall be entitled to make the Chairman of the Supreme Court of Cassation, the Chairman of the Supreme Administrative Court, the Chief Prosecutor, the Minister of Justice, the ombudsman or the Chairman of the Supreme BAR Council, the Council of Ministers, a minister or a collective body of power established by law, when they have the authority to apply the relevant law.

Art. 126. The request under **Art. 125** shall be submitted:

1. for an interpretation decision under **Art. 124, Para 1** - to the general assembly of the relevant college or colleges;
2. (suppl. – SG 109/20, in force from 23.12.2021) for an interpretation decree under **Art. 124, Para 2 and 3** - to the general assemblies of judges of the relevant colleges of the Supreme Court of Cassation and Supreme Administrative Court.

Art. 127. (1) The request shall be made in writing and shall be reasoned.

(2) The request shall contain:

1. the normative act provision and a statement of the debatable questions on its application;
2. the judicial acts in force containing contradictory or wrong judicial practice;
3. statement of the request.

Art. 128. (1) The chairman of the court, to which the request was submitted, shall initiate a lawsuit by an order and shall assign it to one or several reporting judges.

(2) In a joint order the Chairman of the Supreme Court of Cassation and the Chairman of the Supreme Administrative Court shall initiate and fix the date for a procedure for adopting an interpretation decree by the general assembly of the relevant colleges of both courts.

(3) The procedure referred to in Para 1 or 2 shall be set to commence within two months from submission of the request.

Art. 129. (1) The sessions of the general assembly for adoption of an interpretation decision or interpretation decree may be attended by:

1. the Chief Prosecutor or his deputy determined by him;
2. the Minister of Justice or a deputy minister determined by him;
3. the chairman or a member of the Supreme BAR Council or a member of the Council determined by him;

4. (new – SG 109/20, in force from 23.12.2021) the person depositing the suggestion, or a representative nominated by him.

(2) The Chairman of the court, to which the request was submitted, may invite also other jurists, as well as the ombudsman.

(3) The persons referred to in Para 1 and 2 shall be notified about the date of the session and shall be supplied with a copy of the request with the attachments to it.

(4) The persons referred to in Para 1 and 2 may express opinions, but shall not participate in voting.

(5) Records shall be kept of the session of the general assembly, signed by the Chairman and the secretary in charge.

Art. 130. (1) (suppl. - SG 62/16, in force from 09.08.2016) The interpretation decisions and the interpretation decrees shall be adopted and announced within three months from submission of the request and in case of considerable legal complexity – up to 6 months.

(2) The interpretation decisions and the interpretation decrees shall be binding on the judiciary and executive authorities, on the local self-government authorities, as well as on all authorities issuing administrative acts.

Art. 131. The interpretation decisions shall be published annually in a bulletin, issued by the Supreme Court of Cassation or the Supreme Administrative Court, and the interpretation decrees - in both bulletins.

Art. 131a. (new - SG 62/16, in force from 09.08.2016) The order of opening and considering interpretation cases and for adopting interpretation decisions and decrees shall be determined by internal rules adopted by the plenum of the corresponding court.

Chapter five. COURT SESSIONS

Art. 132. (1) The courts shall hear the cases in open sessions.

(2) The publicity of the judicial proceedings may be restricted only in a law. In all cases the judgement shall be announced in public.

(3) The judges shall be obliged to announce their acts in the order and within the term stipulated in a law.

Art. 133. (1) The sessions shall take place in the court building at the seat of the court.

(2) In extraordinary cases, with the consent of the chairman of the court, the sitting members may decide the court session to be held in another building.

Art. 134. (1) The judges and the prosecutors shall sit in gowns.

(2) The military judges, the military prosecutors and the military investigators shall work in a military uniform.

(3) (amend. - SG 62/16, in force from 09.08.2016) The jurors shall sit during court hearings in representative clothing. The jurors who are military servicemen shall sit during the court hearings in a military uniform.

Art. 135. (1) The chairman of the sitting shall be the most senior judge among its members.

(2) The chairman of the sitting shall conduct the session, watch for the order in the courtroom and may sanction the offenders under the order stipulated in the procedural law.

(3) The orders of the chairman of the sitting shall be binding on anybody present in the courtroom. They may be overturned by the chairman of the court.

Chapter six. PROSECUTION AUTHORITY

Art. 136. (1) (suppl. - SG 33/09; amend. - SG 01/11, in force from 04.01.2011; amend. - SG 62/16, in force from 09.08.2016, amend. – SG, 32/22, in force from 27.07.2022) The Prosecutor's Office of the Republic of Bulgaria is unified and its structure is in line with that of the courts. The Prosecutor's Office shall consist of the Prosecutor General, the Supreme Cassation Prosecutor's Office, the Supreme Administrative Prosecutor's Office, the National Investigation Service, appeal prosecutor's offices, military appeal prosecutor's offices, District prosecutor's offices, military district prosecutor's offices and regional prosecutor's offices. The district prosecutor's offices shall have investigative departments.

(2) (New - SG 16/21, amend. – SG, 32/22, in force from 27.07.2022) The prosecutor in charge of the investigation against the Prosecutor General or his deputy shall be part of the Prosecutor's Office of the Republic of Bulgaria.

(3) (Prev. Para. 2 - SG 16/21) In the regional prosecution authorities shall be formed administrative departments, the prosecutors of which shall participate in the proceedings on administrative cases.

(4) (Amend. - SG 33/09; amend. - SG 62/16, in force from 09.08.2016, previous Para. 3 - SG 16/21) The prosecutors and investigators shall be headed by the administrative heads of the corresponding prosecution authority.

(5) (New - SG 33/09; amend. - SG 62/16, in force from 09.08.2016, previous Para. 4, amend. - SG 16/21) In exercising their functions under Para. 4, each administrative head shall be subordinate to the Chief Prosecutor and the administrative heads superior in office.

(6) (New - SG 62/16, in force from 09.08.2016, previous Para. 5 - SG 16/21) The Chief Prosecutor shall exercise lawfulness supervision and methodological guidance on the activities of all prosecutors and investigators for correct and uniform implementation of the laws and protection of the legal rights and interests of the citizens, the legal persons and the state.

(7) (Prev. text of Para 04 - SG 33/09; prev. text of Para 05 - SG 62/16, in force from 09.08.2016, previous Para. 6 - SG 16/21) The military prosecutors and investigators shall be independent of the military authorities during performance of their functions.

(8) (New - SG 103/20, previous Para. 7 - SG 16/21) The European delegated prosecutors shall be members of the Prosecutor's Office of the Republic of Bulgaria and shall have the powers of prosecutors under this Act.

(9) (New - SG 103/20, previous Para. 8 - SG 16/21) The European Public Prosecutor and the European Delegated Prosecutors shall participate in the proceedings in cases within the competence of the European Public Prosecutor's Office.

(10) (New - SG 62/22) To carry out its functions under Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ("the EPPO") (OJ, L 283/1 of 31 October 2017), hereinafter referred to as "Regulation (EU) 2017/1939", the European delegated prosecutors shall be assisted by an independent administration.

(11) (New - SG 103/20, previous Para. 9, amend. - SG 16/21, previous Para. 10, amend. - SG 62/22) The provisions of Para. 4-6 shall not apply to the activities of the European Public Prosecutor and the European Delegated Prosecutors when they perform functions under Council Regulation (EU) 2017/1939.

(12) (New - SG 16/21, declared unconstitutional with Decision of the Constitutional Court № 7 of 2021 - SG 41/21, previous Para. 11 - SG 62/22) **The provisions of Para. 4-6 shall not apply to the activity of the prosecutor for the investigation against the Prosecutor General or his deputy.**

Art. 137. The Prosecution Authority shall be a legal person on budgetary support with a seat Sofia.

Art. 138. (amend. - SG 62/16, in force from 09.08.2016, previous text of Art. 138 - SG 62/22) The Chief Prosecutor shall:

1. head and represent the Prosecution Authority;
 2. organise the work of the Supreme Prosecutin Authority of Cassation, the Supreme Administrative Prosecution Authority, the National Investigation Service and the administrative heads of he Prosecution Authority;
 3. organise and distribute the work of his deputies;
 4. appoint and dismiss the employees at the Supreme Prosecutin Authority of Cassation, the Supreme Administrative Prosecution Authority, the National Investigation Service and the administration of the Chief Prosecutor;
 5. (amend. - SG 80/21) take part in the Defence Council under the **Protection of Persons at Risk in Relation to Criminal Proceedings Act**;
 6. (amend. - SG 16/21, suppl. – SG, 32/22, in force from 26.04.2022) issue written instructions and guidelines regarding the activity of the Prosecution Authority in exercise of his functions under **Art. 136, Para 6**, which shall be published on the [website](#) of the Prosecutor's Office of the Republic of Bulgaria within 7 days of their issuance;
 7. head the controlling activity of the Prosecution Authority, which shall aim at ensuring the correct and uniform application of the laws by the prosecutors and the investigators and to enable:
 - a) receipt of current information on the organisational status of the Prosecution Authorities and on the work of the prosecutors and investigators;
 - b) establishing omissions and violatons in the activity and the basis of undertaking organisational and/or disciplinary measures;
 - c) objective assessment of the work and promotion conditions;
 - d) performance of the priorities in the activities of the Prosecution Authority;
 8. jointly with the ministers and the heads of other state institutions create specialised interdepartmental units to support the investigation under the procedural guidance of a prosecutor determined by him;
 9. issue joint instructions regarding the order and the indicators of providing information on the investigations respectively:
 - a) with the Minister of Interior an the Minister of Finance – on investigations conducted by investigating policemen and investigating customs inspectors;
 - b) with the Minister of Defence – on the investihations conducted by the military investigating policement;
 10. (new - SG 11/20) together with the Minister of the Interior, issue an instruction on the access order and use of data from the information funds of the Ministry of the Interior;
 11. (previous item 10 - SG 11/20) determine the order and indicators for receipt of information on the investigations in pre-trial proceedings from the director of the National Investigation Service and the administrative heads of the prosecution authorities;
 12. (previous item 12 - SG 11/20) every 6 months submit to the prosecution collegium of the Supreme Judicial Council, to the Inspectorate at the Supreme Judicial Council and to the Minister of Justice summarised information on the opening, progress and closing of files.
- (2) (New - SG 62/22) Paragraph 1. item 7 shall not apply to the activities of the European prosecutor and to the European delegated prosecutors, when they perform functions under Regulation (EU) 2017/1939.

Art. 138a. (new - SG 62/16, in force from 09.08.2016) (1) Annually by 30 April every year the Chief Prosecutor shall submit to the plenum of the Supreme Judicial Council an annual report on the implementation of the law and on the activities of the Prosecution Authority and the investigation authorities and shall publish it on the [website](#) of the Prosecution Office.

(2) At the request of the National Assembly or at its own initiative the Chief Prosecutor shall submit to the National Assembly also other reports of the activities of the Prosecution Authority on the implementation of the law, the prevention of crime and the implementation of the penal policy.

(3) Within 14 days from submission of the report referred to in Para 1 the Supreme Judicial Council shall hear the Chief Prosecutor. During the hearing members of the Council may raise also questions in writing submitted by citizens, institutions and non-governmental organisations in relation to the report, which the Chief Prosecutor shall address.

(4) The Supreme Judicial Council shall submit to the National Assembly the report referred to in Para 1 before 31 May. The reports referred to in Para 1 and 2 shall be discussed after the National Assembly hears the Chief Prosecutor. During the discussion of the reports national representatives may raise also questions in writing submitted by citizens, institutions and non-governmental organisations in relation to the report, which the Chief Prosecutor shall address.

Art. 139. (1) The Chief Prosecutor shall be assisted by deputies at the Supreme Prosecution Authority of Cassation and the Supreme Administrative Prosecution Authority and may assign them his competences, unless otherwise stipulated in a law.

(2) (new - SG 62/16, in force from 09.08.2016) The Chief Prosecutor and his deputies entrusted with functions as set out in Para 1 may overturn or amend the acts of prosecutors, unless they were subject to judicial control.

(3) (New - SG 103/20) Paragraph 2 shall not apply to the acts of the European Prosecutor and of the European Delegated Prosecutors in the performance of their functions under Regulation (EU) 2017/1939.

(4) (New - SG 16/21) Paragraph 2 shall not apply to the acts of the prosecutor in the investigation against the Prosecutor General or his deputy.

Art. 139a. (New - SG 62/22) (1) The activity of the administration under Art. 136, Para. 10 shall be managed and organized by a European delegated prosecutor authorized by the European Public Prosecutor's Office, who appoints and dismisses the administration's employees.

(2) The funds for carrying out the activities of the European delegated prosecutors and the administration under Para. 1 shall be provided from the budget of the judiciary. The plenum of the Supreme Judicial Council shall appoint the European delegated prosecutor under Para. 1 as the budget's administrator.

(3) The administration under Art. 136, Para. 10 shall have their own registry office and records management.

Art. 140. (Amend. – SG 01/11, in force from 04.01.2011; amend. - SG 62/16, in force from 09.08.2016) (1) (Amend. – SG, 32/22, in force from 27.07.2022) The administrative head of the district, regional, military-regional, appellate, the military-appellate prosecution shall:

1. organize and manage the activities of the corresponding prosecution authority;
2. appoint and dismiss the employees therein;
3. in the cases provided in the law prepare the individual plan for professional development referred to in **Art. 30a, Para 3** and monitor its implementation;
4. within a time limit determined by the Chief Prosecutor prepare an annual plan on the activities of the corresponding prosecution authority, submit it to the superior administrative head and publish it on the website of the corresponding prosecution authority.

(2) The orders of the administrative head related to his competences under Para 1, Item 1 shall be mandatory for all prosecutors, investigators and officials of the corresponding prosecution authority.

(3) (Amend. – SG, 32/22, in force from 27.07.2022) The administrative head of a district, regional and military-regional, appellate, the military-appellate and appellate specialized prosecution authorities or deputies, authorized by him shall exercise control on compliance with the deadlines for finalizing the investigation, of the inspections under **Art. 145, Para 1, Items 2 and 3** and of the deadlines for the

procedural coercion measures under the **Penal Procedure Code**.

(4) The administrative heads of the appellate and regional prosecution authorities shall head the controlling activities within their regions, which shall aim at ensuring:

1. receipt of up to date information of the organisational status of the prosecution authorities within the region and of the work of the prosecutors and the investigators therein;
2. the establishment of omissions and violations in the activities and grounds for undertaking corresponding organisational or disciplinary measures;
3. objective assessment of the work and conditions for stimulation.

(5) (Amend. – SG, 32/22, in force from 27.07.2022) The administrative heads of the appellate prosecutor's offices shall submit to the Prosecutor General on a quarterly basis summary information on the investigations of the respective regional, district and military district prosecutor's offices.

Art. 141. (amend. - SG 33/09; revoked - SG 62/16, in force from 09.08.2016)

Art. 142. (revoked - SG 62/16, in force from 09.08.2016)

Art. 143. (1) All acts and actions of a prosecutor may be appealed to the immediately superior prosecution authority, unless subject to judicial control.

(2) (amend. - SG 62/16, in force from 09.08.2016) Oral orders and instructions in relation to the work on cases and files are prohibited.

(3) (amend. - SG 62/16, in force from 09.08.2016) In the cases prescribed by the law a prosecutor of the superior prosecution authority may:

1. undertake actions within the competence of the prosecutors of the lower level prosecution authorities;
2. by providing reasons and in writing suspend, revoke or amend acts of the prosecutors of the lower level prosecution authorities.

(4) (new – SG 01/11, in force from 04.01.2011; revoked - SG 62/16, in force from 09.08.2016)

(5) (new - SG 62/16, in force from 09.08.2016) In the event of revoking a prosecutor's act may be issued only written and reasoned instructions on the implementation of the law without influencing the personal judgment of the prosecutor.

(6) (new - SG 62/16, in force from 09.08.2016) In cases of revoking a prosecutor's act for reasons of failing to perform the actions necessary to reveal the objective truth, the superior prosecutor shall indicate the actions and the facts, for which establishing or verification these actions shall be performed.

(7) (new - SG 62/16, in force from 09.08.2016) The prosecutor receiving the instructions referred to in Para 3, Item 2 and under Para 5 and 6 may raise objections before a prosecutor from the prosecution authority, which is superior to the prosecutor who has issued the instructions.

(8) (New - SG 103/20) Paragraphs 1-7 shall not apply to the activity of the European Prosecutor and of the European Delegated Prosecutors when performing functions under Regulation (EU) 2017/1939.

(9) (New - SG 16/21) Paragraphs 1-7 shall not apply to all the acts and actions of the prosecutor in the investigation against the Prosecutor General or his deputy.

Art. 144. (1) The prosecutor shall lead the investigation as a supervising prosecutor.

(2) (amend. – SG 01/11, in force from 04.01.2011) When the supervising prosecutor may not participate in the hearing of a case in a court session due to good reasons, the administrative head shall determine another prosecutor to substitute him.

(3) (Amend. – SG 69/08; amend. – SG 53/14; revoked - SG 14/15, new - SG 16/21, repealed – SG, 32/22, in force from 27.07.2022)

Art. 145. (1) When exercising the functions stipulated in the law the prosecutor may:

1. (suppl. - SG 62/16, in force from 09.08.2016) request documents, information, explanations, expert opinions and other materials by determining a deadline for their receipt;
2. perform inspections personally;
3. in case of information about crimes or illegal acts and actions assign the authorities in charge to perform inspections and revisions within terms specified by him, providing their conclusions to him, and upon request - all materials;
4. call citizens or authorized representatives of legal persons and order forceful seizure in case of failure to appear without good reasons;
5. send materials to the competent authority, where there are grounds to charge someone with responsibility or to apply compulsory administrative measures, he may not perform personally;
6. apply the measures stipulated in a law where there is information that a crime of general character or other legal offence may be committed.

(2) (new - SG 62/16, in force from 09.08.2016) The inspection under Para 1, Items 2 and 3 shall take place within a period of two months, which if necessary may be extended once by a month by the administrative head of the corresponding prosecution authority. The prosecutor shall decide on the materials from the inspection within one month from their receipt.

(3) (prev. text of Para 02 - SG 62/16, in force from 09.08.2016) The orders of the prosecutor, issued in compliance with his competence and the law, shall be binding on the state authorities, officials, legal persons and citizens.

(4) (prev. text of Para 03 - SG 62/16, in force from 09.08.2016) The state authorities, legal persons and officials shall be obliged to render assistance to the prosecutor in exercising his competences and provide access to the relevant premises and places.

(5) (prev. text of Para 04 - SG 62/16, in force from 09.08.2016) Within the limits of his competence and in compliance with the law the prosecutor may issue compulsory orders to the police authorities in writing.

(6) (prev. text of Para 05, suppl. - SG 62/16, in force from 09.08.2016) The prosecutor shall protest and request overturning or amendment of illegal acts within the terms and the order, stipulated in a law. He may suspend the enforcement of the act until the protest has been decided by the relevant authority, if this is stipulated in a law.

Art. 146. (1) When exercising supervision for lawfulness of the execution of punishments, of other compulsory measures and in the arrests the prosecutor may:

1. visit without preliminary permission of the administration the arrests, the places for deprivation of liberty and for enforcement of other compulsory measures and inspect the documents, on the basis of which the persons are arrested;
2. talk in private with the arrested or accommodated persons;
3. consider proposals, signals, appeals and applications related to the execution of punishments and of other compulsory measures stipulated in a law;
4. order in writing to the authorities responsible for the execution of punishments and to the administration at the places for enforcement of other compulsory measures to notify him about certain actions, acts and events;

(2) For elimination and prevention of the offences referred to in Para 1 the prosecutor shall:

1. immediately release anybody illegally seized in the places for deprivation of liberty and for enforcement of other compulsory measures;
2. issue compulsory orders in writing for the removal of established offences;
3. suspend the enforcement of illegal written orders and rulings of officials and request their overturning according to the relevant order.

Art. 147. (amend. - SG 33/09; amend. - SG 62/16, in force from 09.08.2016) (1) The the

Prosecution Authority the commissioning may take place if necessary under the conditions and order of **Art. 227**, when a prosecutor of the corresponding prosecution authority is prevented from exercising his functions, as follows:

1. the regional prosecutor may commission within his region:

a) in a regional prosecution authority - a prosecutor from a district prosecution authority with a corresponding rank;

b) in a district prosecution authority - a prosecutor from another district prosecution authority;

c) (amend. – SG 90/17) in a district prosecutor's office - a junior prosecutor from another district prosecution office with more than one year of service; exceptionally, a prosecutor from another district prosecutor's office or a junior prosecutor with more than one year of service may also be seconded in a vacant position, subject to the conditions of **Art. 227, para. 2 - 9**;

d) where a prosecutor of a district prosecution authority may not be substituted by another prosecutor from the same prosecution authority and no prosecutor from a district prosecution authority can be commissioned under Items “b” or “c” - a prosecutor of a regional prosecution authority;

2. the appellate prosecutor may commission within his region:

a) in an appellate prosecution authority - a prosecutor from a regional prosecution authority with the corresponding rank;

b) in a regional prosecution authority - a prosecutor from another regional or a district prosecution authority with a corresponding rank;

c) in a district prosecution authority - a prosecutor from another district prosecution authority;

d) (amend. – SG 90/17) in a district prosecutor's office - a junior prosecutor from another district prosecution office with more than one year of service; exceptionally, a prosecutor from another district prosecutor's office or a junior prosecutor with more than one year of service may also be seconded in a vacant position, subject to the conditions of Art. 227, para. 2 - 9;

e) where a prosecutor of a regional prosecution authority may not be substituted by another prosecutor from the same prosecution authority and no prosecutor from a regional prosecution authority can be commissioned under Items “b”, “c” or “d” - a prosecutor of an appellate prosecution authority.

(2) The Chief Prosecutor may commission:

1. in the Supreme Prosecution Authority of Cassation and the Supreme Administrative Prosecution Authority - prosecutors of the appellate or the regional prosecution authority having at least 12 years of legal service and a rank “prosecutor in the Supreme Prosecution Authority of Cassation and the Supreme Administrative Prosecution Authority”;

2. in the National Investigation Service - investigators of the investigation departments in the regional prosecution authorities having at least 12 years of legal service and a rank “investigator in the National Investigation Service”;

3. investigators of the investigation departments.

(3) (Amend. – SG 90/17) The Chief Prosecutor may commission prosecutors and investigators from the entire country:

1. where secondment under Para 1, Items 1 and 2 is not possible.

2. by way of exception - on a vacant position, subject to the conditions of Art. 227, para. 2 - 9.

(4) The commissioned prosecutors and investigators shall participate with voting rights in the assemblies of the authority, from which they have been commissioned.

(5) The commissioned prosecutors and investigators shall participate without voting rights in the assemblies of the authority, in which they have been commissioned.

Chapter seven.

INVESTIGATION AUTHORITIES (TITLE AMEND. - SG 33/09)

Art. 148. (Amend. - SG 33/09) (1) (amend. – SG 01/11, in force from 04.01.2011, amend. – SG,

32/22, in force from 27.07.2022) The investigation authorities shall be the National Investigation Service and the regional investigation departments in the regional prosecution authorities.

(2) The investigation department of the Sofia City Prosecution Authority shall have the status of a regional investigation department.

Art. 149. (amend. - SG 33/09) (1) The National Investigation Service shall consist of investigators.

(2) (suppl. - SG 62/16, in force from 09.08.2016) In the National Investigation Service there shall be specialized departments for investigation of cases of particular factual and legal complexity, of cases on crimes, committed abroad, of cases on legal assistance, as well as for investigation of other cases, stipulated in a law. In the National Investigation Service there is a criminalistics department supporting the investigation.

Art. 150. (1) (prev. text of Art. 150, amend. - SG 33/09) The National Investigation Service shall be managed by the Chief Prosecutor directly or through the director, who shall act also as a deputy of the Chief Prosecutor on investigation matters.

(2) (new - SG 33/09) The Director of the National Investigation Service shall carry out administrative and organizational management of the investigators and employees in the National Investigation Service and methodical management of the investigators in the regional investigation departments of the regional prosecution authorities.

Art. 151. (Amend. - SG 33/09; amend. – SG 01/11, in force from 04.01.2011) (1) (Amend. – SG, 32/22, in force from 27.07.2022) The district investigation departments in the district prosecutor's offices shall consist of investigators.

(2) Amend. – SG, 32/22, in force from 27.07.2022) The place of work of each investigator and employee in the district investigation departments shall be determined by the administrative heads of the respective prosecution offices.

Art. 152. (Amend. - SG 33/09; amend. – SG 01/11, in force from 04.01.2011, amend. – 32/22, in force from 27.07.2022) Investigators in the district investigation departments of the district prosecutor's offices shall carry out investigations in cases assigned to them by the administrative head of the respective prosecutor's office.

Art. 153. (amend. - SG 33/09) (1) The specialised departments of the National Investigation Service shall be managed by heads of departments appointed by the Chief Prosecutor, who shall be with the rank of prosecutor at the head of a department of the Supreme Prosecution Authority of Cassation and shall be granted remuneration equal to the remuneration of a prosecutor at the head of a department of the Supreme Prosecution Authority of Cassation.

(2) The regional investigation departments of the regional prosecution authorities shall be managed by heads of departments appointed by the administrative heads of the regional prosecution authorities, shall be with the rank of prosecutor at the head of a department of a regional prosecution authority and shall be granted remuneration equal to the remuneration of a deputy of the administrative head of a regional prosecution authority.

(3) (New – SG 01/11, in force from 04.01.2011, repealed – SG, 32/22, in force from 27.07.2022).

(4) (Prev. text of Para 03, amend. – SG 01/11, in force from 04.01.2011, amend. – SG, 32/22, in force from 27.07.2022) The heads of specialized departments in the National Investigation Service and the heads of district investigation departments in the district prosecutor's offices shall:

1. carry out administrative and organizational management of the investigators in the department;
2. draw up and submit to the relevant administrative head of the prosecution authority information about the initiation, motion and conclusion of the lawsuits by the end of every month;
3. draft semi-annual and annual reports about the activity of the department, which shall be submitted to the relevant administrative head of the prosecution authority.

Art. 154. The orders of the investigator related to the investigation shall be binding on all state authorities, legal persons and citizens.

Chapter eight.

OATH

Art. 155. At initial assumption of office every judge shall take the following oath: "I swear in the name of people to strictly apply the **Constitution** and the laws of the Republic of Bulgaria, to perform my duties following my conscience and personal judgement, to be impartial, objective and just, to contribute to the raising the prestige of the profession, to keep the secret of deliberation, always remembering I am liable for everything according to the law. I swear!".

Art. 156. Every prosecutor and investigator at the initial assumption of office shall take the following oath: "I swear in the name of people to strictly apply the **Constitution** and the laws of the Republic of Bulgaria, to perform my duties following my conscience and personal judgement, to be impartial, objective and just, to contribute to the raising the prestige of the profession, to keep the official secret, always remembering I am liable for everything according to the law. I swear!".

Art. 157. (1) The oath shall be taken before the judges, prosecutors and investigators by the relevant judiciary authority.

(2) An oath sheet shall be signed after taking the oath.

Art. 158. Every state bailiff and registry judge at the initial assumption of office shall sign an oath sheet with the following oath: "I swear in the name of people to strictly apply the Constitution and the laws of the Republic of Bulgaria, to perform my official duties justly and in good faith, to keep the secret of the files entrusted to me, always remembering I am liable for everything according to the law. I swear!".

Art. 159. Any person refusing to take an oath or to sign an oath sheet may not assume office.

Chapter nine.

STATUS OF THE JUDGES, PROSECUTORS AND INVESTIGATORS

Section I.

Appointment and Dismissal

Art. 160. (suppl. - SG 28/16) Any judge, prosecutor, investigator, administrative head and a deputy of the administrative head, except the Chairman of the Supreme Court of Cassation, the Chairman of the Supreme Administrative Court and the Chief Prosecutor, shall be appointed, promoted, relegated, moved and dismissed of office by a decision of the respective collegium of the Supreme Judicial Council.

Art. 161. (amend. – SG 01/11, in force from 04.01.2011) (1) (amend. - SG 28/16) Upon entry into force of the decision for appointment, promotion, relegation or transfer of a judge, prosecutor or investigator the respective collegium of the Supreme Judicial Council shall notify the person, who shall assume office within one month.

(2) The assumption of office shall be attested in writing before the administrative head of the judiciary authority.

(3) (suppl. - SG 28/16) On the grounds of the decision of the respective collegium of the Supreme Judicial Council for appointment, promotion, relegation and transfer of a judge, prosecutor and investigator, the administrative head shall issue an act for assumption of office, containing:

1. the name of the judiciary authority, where the office shall be assumed;
2. the legal grounds for assumption of office;
3. the name of the position and the rank;
4. the amount of the basic and the additional salary;
5. the date of assumption of office.

(2) The judge, prosecutor and investigator shall start performing their official duties from the date of assumption of office.

(5) Everyone appointed as a military judge, military prosecutor or military investigator shall be appointed to military service and granted an officer rank.

Art. 162. As a judge, prosecutor or investigator may be appointed a person, having only Bulgarian nationality and:

1. having university degree in "Law";
2. having completed the training, stipulated in this Act, and was granted legal practice capacity;
3. (amend. - SG 33/09; amend. – SG 01/11, in force from 04.01.2011) having the necessary moral and professional qualities, corresponding to the rules of the Code of Ethical Conduct of the Bulgarian Magistrates;
4. not convicted to deprivation of liberty for a deliberate crime, regardless of the rehabilitation;
5. (new – SG 103/09, in force from 29.12.2009) is not disciplinary discharged from the office elective member of the Supreme Judicial Council for impairing the image of the judiciary;
6. (prev. item 5 – SG 103/09, in force from 29.12.2009) not suffering a mental disease.

Art. 163. The positions of a judge, prosecutor and investigator shall be:

1. judge at the Supreme Court of Cassation, judge at the Supreme Administrative Court, prosecutor at the Supreme Prosecution Authority of Cassation, prosecutor at the Supreme Administrative Prosecution Authority and investigator at the National Investigation Service;
2. (amend. – SG 01/11, in force from 04.01.2011, amend. – SG, 32/22, in force from 27.07.2022) judge in a court of appeal, judge in a court of military appeal, prosecutor in a prosecutor's office of appeal and prosecutor in a prosecutor's office of military appeal;
3. (amend. - SG 33/09; amend. – SG 01/11, in force from 04.01.2011, amend. – SG, 32/22, in force from 27.07.2022) judge in a district court, judge in an administrative court, judge in a military court, prosecutor in a district prosecutor's office, prosecutor in a military district prosecutor's office and investigator in a district investigation department;
4. judge at a district court and prosecutor at a district prosecution authority;
5. (amend. - SG 33/09; amend. - SG 62/16, in force from 09.08.2016) junior judge, junior prosecutor or junior investigator.

Art. 164. (1) (amend. - SG 33/09; amend. – SG 42/09; suppl. - SG 32/11, in force from 19.04.2011; suppl. - SG 62/16, in force from 09.08.2016) As a judge at a district court and prosecutor at a district prosecution authority shall be appointed persons having at least three years of practice. As a judge at a district court and prosecutor at a district prosecution authority shall be appointed a junior judge, respectively junior prosecutor, having at least two years and nine months of practice. The position of an investigator in a regional prosecution authority may be assigned to a person with at least two years and nine months service as a junior investigator. Until acquiring the service under Para 2 his remuneration shall be equal to the one of a judge in a district court.

(2) (amend. and suppl. - SG 33/09) As a judge at a regional court, prosecutor at a regional

prosecution authority and investigator at a regional investigation department shall be appointed persons having at least 8 years of practice.

(3) (new – SG 01/11, in force from 04.01.2011; declared non-constitutional in the part "judge or prosecutor" in DCC No 10/11 – SG 93/11, amend. - SG 11/20, repealed – SG, 32/22, in force from 27.07.2022);

(4) (prev. text of Para 03 – SG 01/11, in force from 04.01.2011) As a judge at an administrative court shall be appointed persons having at least 8 years of practice.

(5) (prev. text of Para 04 – SG 01/11, in force from 04.01.2011) As a judge at an appellate court and prosecutor at an appellate prosecution authority shall be appointed persons having at least 10 years of practice.

(6) (new – SG 01/11, in force from 04.01.2011, repealed – SG, 32/22, in force from 27.07.2022)

(7) (prev. text of Para 05 – SG 01/11, in force from 04.01.2011) As a judge at the Supreme Court of Cassation and the Supreme Administrative Court, prosecutor at the Supreme Prosecution Authority of Cassation and the Supreme Administrative Prosecution Authority and investigator at the National Investigation Service shall be appointed persons having at least 12 years of practice.

(8) (amend. – SG 69/08; prev. text of Para 06, amend. – SG 01/11, in force from 04.01.2011; amend. and suppl. – SG 82/11, in force from 01.01.2012) For practice in the sense of Para 1 - 7 shall be recognized the practice, gained in position or profession, requiring graduate degree in law, including practice of persons with graduate degree in law working as investigating policemen with a law degree in the system of the Ministry of Interior, investigating policemen with a law degree at the Ministry of Defence or investigating customs inspector at the Customs Agency.

(9) (amend. - SG 33/09; prev. text of Para 06, amend. – SG 01/11, in force from 04.01.2011; amend. - SG 62/16, in force from 09.08.2016) For practice in the sense of Para 1 - 7 shall be recognized also the practice in position, of which high legal education is required in the institutions, bodies or missions of the European Union, of the United Nations, the Organization for Security and Co-operation in Europe, the North Atlantic Treaty Organisation, or in international jurisdiction authorities or international organizations established pursuant to an international treaty, to which the Republic of Bulgaria is a party.

(10) (new – SG 01/11, in force from 04.01.2011) As practice under Para 1 – 7 shall be deemed the practice, acquired as a trainee-lawyer in the sense **Art. 297**, if the person has worked as employee of the Ministry of Justice.

Art. 165. (1) A judge, prosecutor or investigator shall be dismissed in case of:

1. completion of 65 years of age;
2. resignation;
3. entry into force of a conviction for imposing deprivation of liberty for a deliberate crime;
4. continuous factual impossibility to perform his duties for more than one year;
5. imposition of a disciplinary penalty - disciplinary dismissal of office;
6. (suppl. - SG 28/16) a decision of the respective collegium of the Supreme Judicial Council refusing to grant non-dismissible status;
7. incompatibility with position and activities under **Art. 195, Para 1**;
8. (revoked - SG 33/09)
9. reinstatement to work after illegal dismissal.

(2) (amend. - SG 33/09; revoked - SG 32/11, in force from 01.01.2012)

(3) A judge, prosecutor and investigator, who has become non-dismissible, shall be dismissed only on the grounds under **Art. 129, Para 3 of the Constitution of the Republic of Bulgaria**, as well as in the cases under Para 1, Item 7.

(4) A judge, prosecutor and investigator, who has retired under Para 1, Item 1, shall not be entitled to occupy positions in the judiciary authorities.

Art. 166. (1) (amend. - SG 33/09; suppl. - SG 62/16, in force from 09.08.2016) A judge, prosecutor or investigator shall submit his resignation by notification at least one month in advance via the administrative head of the corresponding judiciary body to the corresponding collegium of the Supreme Judicial Council.

(2) Within the term of the advance notification the judge, prosecutor or investigator shall be obliged to complete all acts on cases and files, distributed to him, while new cases and files shall not be distributed to him.

(3) (new - SG 33/09; amend. – SG 01/11, in force from 04.01.2011, declared anti-constitutional CCD No1 of 2017 - SG 14/17) **A judge, prosecutor or investigator may not be dismissed under Art. 165, Para 1, Item 2, if there are disciplinary proceedings opened against him before the conclusion of the proceedings.**

Art. 167. (1) Administrative heads of the judiciary authorities shall be:

1. (suppl. - SG 33/09) the Chairman of the Supreme Court of Cassation, the Chairman of the Supreme Administrative Court, the Chief Prosecutor and the Director of the National Investigation Service, who shall be also a deputy of the Chief Prosecutor on investigation matters;

2. (amend. - SG 01/11, in force from 04.01.2011, amend. – SG, 32/22, in force from 27.07.2022) the President of a Court of Appeal and of a Court of Military Appeal, an Appeal Prosecutor and a Military Appeal Prosecutor;

3. (amend. - SG 33/09; amend. - SG 01/11, in force from 04.01.2011, amend. – SG, 32/22, in force from 27.07.2022) president of a district, administrative and military court, district and military district prosecutor;

4. chairman of district court and district prosecutor.

(2) (new – SG 50/12; suppl. - SG 28/16) The election procedure regarding candidates for administrative heads, excluding those for Chairperson of the Supreme Administrative Court, Chairperson of the Supreme Administrative Court and Chief Prosecutor, shall be initiated by the respective collegium of the Supreme Judicial Council no earlier than three months and no later than one month prior to expiration of the term of office or within 7 days from occurrence of any circumstances under **Art. 175, para 1.**

(3) (new – SG 42/09; prev. text of para 2 – SG 50/12; suppl. - SG 28/16; suppl. - SG 62/16, in force from 09.08.2016, amend. - SG 49/18, amend. – SG, 29/19) The administrative heads shall assume office within 14 days from the enforcement of the decision of the respective collegium of the Supreme Judicial Council but not before the expiry of the preceding mandate.

(4) (prev. text of Para 02 – SG 42/09; prev. text of para 3 – SG 50/12; suppl. - SG 62/16, in force from 09.08.2016) The mandate of the administrative head shall commence on the day of assumption of office and shall expire on the last day of the mandate term.

(5) (new - SG 62/16, in force from 09.08.2016) The positions of administrative head of a court or a prosecution authority may be taken for not more than two mandates in the same judiciary authority.

Art. 168. (1) The administrative head shall be assisted by a deputy in exercising his activity.

(2) (amend. - SG 01/11, in force from 04.01.2011; suppl. - SG 28/16; amend. - SG 62/16, in force from 09.08.2016) A deputy of the administrative head of a court shall be appointed by the judges collegium of the Supreme Judicial Council upon a reasoned proposal of the chairman of the corresponding court following an opinion of the general assembly of the judges of this court.

(3) (new – SG 62/16, in force from 09.08.2016) A deputy of the administrative head of a prosecution authority or of the director of the National Investigation Service shall be appointed by the prosecutors collegium of the Supreme Judicial Council upon a reasoned proposal of the corresponding administrative head.

(4) (new - SG 01/11, in force from 04.01.2011; suppl. - SG 28/16; prev. text of Para 03, amend. - SG 62/16, in force fro 09.08.2016) Before the appointed decision is adopted, the respective collegium of the

Supreme Judicial Council shall check whether the procedure under Para 2 and 3 is observed and whether the proposed candidate meets the requirements of **Art. 169, Para 2**. The check shall be based on the documents supplied by the candidate and on the documents contained in the personnel file.

(5) (new - SG 01/11, in force from 04.01.2011; suppl. - SG 28/16; prev. text of Para 04, amend. - SG 62/16, in force from 09.08.2016) The respective collegium of the Supreme Judicial Council shall refuse to appoint the proposed candidate for a deputy, if the procedure under Para 2 and 3 has not been observed and the candidate does not meet the requirements of Art. 169, Para 2.

(6) (new - SG 01/11, in force from 04.01.2011; suppl. - SG 28/16; prev. text of Para 05 - SG 62/16, in force from 09.08.2016) The deputy administrative head shall assume office within 14 days from entry into force of the decision of the respective collegium of the Supreme Judicial Council.

(7) (prev. text of Para 03, amend. - SG 01/11, in force from 04.01.2011; prev. text of Para 06, suppl. - SG 62/16, in force from 09.08.2016) In all cases of absence, the administrative head shall assign to his deputy in a written order the exercise his functions or a part thereof. When the administrative head has failed to determine his deputy, his functions shall be performed by one of the judges, prosecutors or investigators in the same authority, by seniority. In case of dismissal of the administrative head the functions of an administrative head until the election of a new one shall be exercised by one of his deputies, determined by the corresponding collegium of the Supreme Judicial Council, and in case of a lack of a deputy – by a judge or a prosecutor according to their seniority.

(8) (new - SG 01/11, in force from 04.01.2011; prev. text of Para 07 - SG 62/16, in force from 09.08.2016) When the administrative head does not have a deputy, in all cases of his absence, he shall assign by a written order to a judge, prosecutor or investigator from the same body to perform his functions or a part thereof. When the administrative head has not determined his substitute, his functions shall be performed by one of the judges, prosecutors or investigators from the same body according to seniority.

Art. 169. (amend. – SG 01/11, in force from 04.01.2011; amend. - SG 62/16, in force from 09.08.2016) (1) (Amend. - SG 11/20) As an administrative head, except the Chairman of the Supreme Court of Cassation, the Chairman of the Supreme Administrative Court and the Chief Prosecutor, and his deputy shall be appointed a judge, a prosecutor or an investigator with high professional and moral qualities, with a non-dismissible status and a positive complex assessment "very good" or "good" from the latest assessment, who has not been imposed a disciplinary sanction during the preceding 5 years under **Art. 308, Para 1, Items 3, 4, 5 or 6** with a decision in force. By exception may be appointed a judge, prosecutor or investigator from a lower level judiciary authority meeting the rest of the requirements under this Paragraph and the requirements of **Art. 164**.

(2) (Amend. - SG 11/20) As a deputy administrative head shall be appointed a judge, prosecutor or investigator of the same or higher judiciary authority, with high professional and moral qualities, with a non-dismissible status, with a positive complex assessment "very good" or "good" from the latest assessment, who has not been imposed a disciplinary sanction during the preceding 5 years under **Art. 308, Para 1, Items 3, 4, 5 or 6** with a decision in force. By exception may be appointed a judge, prosecutor or investigator from a lower level judiciary authority meeting the rest of the requirements under this Paragraph and the requirements of Art. 164. As a deputy administrative head of a district court or a district prosecution authority by exception may be appointed a judge or a prosecutor without a non-dismissible status, when no candidate with a non-dismissibility status can be nominated for the corresponding position.

(3) A proposal for appointing a chairman of a court, except for a proposal for a chairman of the Supreme Court of Cassation or a chairman of the Supreme Administrative Court, can be extended by:

1. the general assembly of the judges in the corresponding district court - for a chairman of a district court;
2. the general assembly of the judges in the corresponding regional court - for a chairman of a regional court;
3. the general assembly of the judges in the corresponding appellate court - for a chairman of an

appellate court;

4. the general assembly of the judges in the corresponding administrative court - for a chairman of an administrative court;

5. the Minister of Justice;

6. the candidate for the position.

(4) A proposal for appointing a head of a prosecution authority, except for a proposal for a Chief Prosecutor, can be extended by:

1. the heads of the superior prosecution authorities - for a head of a prosecution authority within the corresponding judicial region;

2. the Chief Prosecutor - for heads of the appellate prosecution authorities;

3. the candidate for the position;

4. the Minister of Justice.

(5) (Amend. – SG, 32/22, in force from 26.04.2022) After being dismissed from the post of administrative head and deputy administrative head, the persons shall, at their request, return to the post of judge, prosecutor or investigator, held before the election or remain in the post of judge, prosecutor or investigator in the judicial authority, in which they held the post of administrative head or deputy administrative head, respectively.

Art. 170. (amend. – SG 01/11, in force from 04.01.2011) (1) An administrative head of a district court and a district prosecution authority shall be appointed a person with at least 5 years of legal practice and meets the requirements of **Art. 169, Para 1**.

(2) (Amend. - SG 32/22, in force from 27.07.2022) A person shall be appointed as administrative head of a district court and of a district prosecutor's office and as administrative head of an administrative court, who meets the requirements for seniority under **Art. 164, Para. 2 and 4** respectively, as well as the requirements under **Art. 169, Para. 1**.

(3) (Amend. – SG, 32/22, in force from 27.07.2022) A person shall be appointed as administrative head of the National Investigation Service, of a court of appeal and of an appellate prosecutor's office, who meets the requirements for seniority under **Art. 164, Para. 5** and the requirements under **Art. 169, Para. 1**.

(4) An administrative head of the Supreme Court of Cassation, the Supreme Administrative Court and as a Chief Prosecutor shall be appointed persons with high professional and moral qualities and meeting the requirements of **Art. 164, Para 7**.

(5) (new - SG 62/16, in force from 09.08.2016) As a chairman of the Supreme Court of Cassation, a chairman of the Supreme Administrative Court or a Chief Prosecutor shall be appointed a person meeting the service requirements under Art. 164, Para 7 and the following requirements:

1. ability to adhere to and impose a high moral standard;

2. high professional competency: deep knowledge of the law, rich practical experience in the corresponding field of law, leadership and administrative capabilities, pronounced analytical capabilities;

3. distinguished independency, will to impose the legality, determination in exercising the professional duties and contribution to the strengthening of the rule of law;

4. possession of developed capabilities for teamwork, for motivation of colleagues, for seeking and bearing responsibility.

(6) (New - SG 16/21) As a prosecutor in the investigation against the Prosecutor General or his deputy shall be appointed a prosecutor with length of service under Art. 164, Para. 7, with acquired status of irremovability, with high professional standards and moral qualities, with a positive complex assessment of "very good" from the last attestation, who, during the last 5 years, has not been imposed any of the disciplinary sanctions under Art. 308, Para. 1, items 3, 4, 5 or 6 with a decision that has entered into force.

Art. 171. (1) (suppl. - SG 33/09; suppl. – SG 01/11, in force from 04.01.2011; declared non-constitutional in the part "open voting" in DCC No 10/11 – SG 93/11; amend. - SG 62/16, in force from

09.08.2016) The corresponding collegium of the Supreme Judicial Council shall adopt a reasoned decision for appointing the administrative heads or their deputies with the majority under **Art. 33, Para 4**.

(2) If none of the candidates receives the required majority, the election shall continue for the two of them, who have received most of the votes.

Art. 172. (1) (Amend. - SG 33/09; amend. and suppl. – SG 01/11, in force from 04.01.2011, amend. – SG, 32/22, in force from 27.07.2022) The administrative positions shall be chairman of a chamber or college in the court, head of department in the prosecution authority, head of a specialized department in the National Investigation Service and head of a regional investigation department in a regional prosecution authority.

(2) The chairmen of chambers shall administer the lawsuits in the chamber and may chair sittings in it.

(3) (amend. - SG 33/09; amend. and suppl. – SG 01/11, in force from 04.01.2011, amend. – SG, 32/22, in force from 27.07.2022) The chairpersons of departments in the court, the heads of departments in the prosecutor's office, the heads of specialized departments in the National Investigation Service and the heads of district investigation departments in the district prosecutor's offices shall be appointed by the respective administrative head.

Art. 173. (amend. - SG 62/16, in force from 09.08.2016) (1) The election procedure concerning candidates for a Chairman of the Supreme Court of Cassation, a Chairman of the Supreme Administrative Court and a Chief Prosecutor shall be initiated by the plenum of the Supreme Judicial Council not earlier than 6 months and not later than 4 months before expiration of the mandate or within 7 days from occurrence of the circumstance under **Art. 175, Para 1**.

(2) The nominations for a chairman of the respective courts can be made by at least three members of the corresponding collegium of the Supreme Judicial Council, the Minister of Justice or the plenum of the Supreme Court of Cassation and the plenum of the Supreme Administrative Court.

(3) The nominations for a Chief Prosecutor can be made by at least three members of the corresponding collegium of the Supreme Judicial Council or by the Minister of Justice.

(4) The nominations shall be made in the four consecutive sessions, which follow the session of adopting the decision for initiation of the procedure.

(5) The nominations shall be accompanied by detailed reasons in writing and an employment summary for the candidate, according to a sample approved by the corresponding collegium of the Supreme Judicial Council. The nominees shall submit a written programme for their work at the corresponding position within 14 days from the nominations deadline under Para 4. All submitted documents shall be published on the [website](#) of the Supreme Judicial Council not later than two months before the public hearing.

(6) The nominees for a chairman of the Supreme Court of Cassations and for a chairman 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, which shall issue an opinion if they have the qualities under **Art. 170, Para 4 and 5**.

(7) The plenum of the Supreme Judicial Council shall announce the date, the time and the place of hearing each nominee at least one month before it takes place. The hearings shall follow alphabetically. They shall be public and shall be broadcast live on the website of the Supreme Judicial Council.

(8) (Amend. - SG 17/19) Not later than 7 days before the hearing, non-profit legal persons for public benefit, the professional organisations of the judges, the prosecutors and the investigators, the higher schools and the research organisations may submit to the Supreme Judicial Council opinions on the nominee, including questions to be asked. Anonymous opinions and signals shall not be considered. The submitted opinions and questions shall be published on the website of the Supreme Judicial Council within three days from their submission in compliance with the requirements for the personal data protection.

(9) The Commission on the Attestation and Contests and the Professional Ethics Commission at the corresponding collegium shall draw up reports on the professional and moral qualities of the nominees and propose the nominations for discussion and voting by the corresponding collegium of the Supreme Judicial Council. The reports shall draw conclusions on:

1. the legal requirements to occupy the position;
2. information casting doubts on the moral qualities of the nominee, his qualification, experience and professional qualities;
3. the specific preparation, qualities and motivation for the corresponding position.

(10) The report of each commission shall be published on the [website](#) of the Supreme Judicial Council not less than 14 days before the voting for the corresponding nominee.

(11) (Suppl. – SG, 29/19) The plenum of the Supreme Judicial Council shall adopt the decision for election of a nominee by a majority of at least seventeen votes of its members in an open voting and shall immediately send it to the President of the Republic.

(12) If during the first voting round none of the nominees has received seventeen or more of the votes of the members of the plenum of the Supreme Judicial Council, the election shall continue for the two of the nominees, who have received most of the votes.

(13) If the President of the Republic of Bulgaria refuses to appoint a nominee proposed by the plenum of the Supreme Judicial Council and there is no second proposal for the same nominee, the new election shall be conducted under the conditions of Para 1 - 12.

Art. 173a. (New - SG 16/21) (1) The procedure for election of a candidate for prosecutor in the investigation against the Prosecutor General or his deputy shall be opened by the plenum of the Supreme Judicial Council not earlier than three months and not later than one month before the expiration of the mandate or within 7 days from the occurrence of a circumstance under Art. 175, Para. 1.

(2) Proposals for candidacies for prosecutor in the investigation against the Prosecutor General or his deputy, within 7 days from the adoption of the decision to initiate the procedure, may be made by:

1. not less than six of the members of the plenum of the Supreme Judicial Council;
2. the candidate for holding the position.

(3) The proposals shall be accompanied by detailed written motives, personnel reference for the candidate according to a model approved by the plenum of the Supreme Judicial Council, and written consent of the candidate. All submitted documents shall be published on the website of the Supreme Judicial Council no later than 14 days before the public hearing.

(4) The plenum of the Supreme Judicial Council shall announce the date, time and place for hearing of each candidate at least 7 days before its holding. The hearings shall be held in alphabetical order. They shall be public and broadcast in real time through the website of the Supreme Judicial Council.

(5) Non-profit legal entities, determined for carrying out public benefit activity, the professional organizations of the judges, prosecutors and investigators, higher education schools and scientific organizations, not later than 7 days before the hearing, may submit to the Supreme Judicial Council opinions for the candidate, including questions to be asked. Anonymous opinions and alerts shall not be considered. The submitted opinions and questions shall be published on the website of the Supreme Judicial Council within three days after their submission in compliance with the requirements for personal data protection.

(6) The Commission for Attestation and Competitions and the Commission for Professional Ethics at the Prosecutorial College of the Supreme Judicial Council shall prepare reports on the professional and moral qualities of the candidates. The reports shall contain conclusions on:

1. the legal requirements for holding the position;
2. the presence of data that cast doubt on the moral qualities of the candidate, his/her qualification, experience and professional qualities;
3. the specific training, the qualities and the motivation for the respective position.

(7) The report of each commission shall be published on the website of the Supreme Judicial

Council at least 7 days before the voting of the respective candidate.

(8) The plenum of the Supreme Judicial Council shall adopt the decision for election of a candidate by a majority of not less than fifteen votes by open voting.

(9) When, during the first voting, none of the candidates has received fifteen or more of the votes of the members of the plenum of the Supreme Judicial Council, the election shall continue for the two candidates who have received the most votes.

(10) The prosecutor in the investigation against the Prosecutor General or his deputy shall be elected for a term of 5 years, without the right to re-election.

(11) Upon expiration of the mandate or its early termination on the grounds of Art. 129, Para. 3, item 2 of the Constitution of the Republic of Bulgaria, the prosecutor in the investigation against the Prosecutor General or his deputy, who has submitted an application to the respective panel of the Supreme Judicial Council within 14 days from the day of expiration or early termination of the mandate, shall be appointed to the position held prior to the election, to a position of equal degree or a position one degree higher than the one held before the election in the judiciary.

Art. 174. (amend. - SG 62/16, in force from 09.08.2016) (1) The Director of the National Investigation Service shall be elected at the proposal of at least three members of the prosecutors collegium or at the proposal of the Chief Prosecutor or the Minister of Justice with a majority of at least eight votes of the members of the prosecutors collegium of the Supreme Judicial Council.

(2) The nominations shall be made in two consecutive sessions of the prosecutors collegium of the Supreme Judicial Council, which follow the session of adopting the decision for initiation of the procedure, and shall be examined not earlier than 30 days following the submission of the latest nomination.

(3) The mandate of the Director of the National Investigation Service shall commence on the day of assumption of office.

Art. 175. (1) (amend. – SG 01/11, in force from 04.01.2011) An administrative head shall be subject to early dismissal of office on the grounds of **Art. 129, Para 3 of the Constitution of the Republic of Bulgaria**.

(2) (amend. – SG 01/11, in force from 04.01.2011) An administrative head shall be subject to early dismissal of office also in the cases of his dismissal as a judge, prosecutor or investigator on the grounds of Art. 129, Para 3, Items 2 - 5 of the Constitution of the Republic of Bulgaria.

(3) (amend. – SG 01/11, in force from 04.01.2011) A proposal for early dismissal of an administrative head, except for the Chairman of the Supreme Court of Cassation, the Chairman of the Supreme Administrative Court and the Chief Prosecutor, shall be made in writing:

1. not earlier than two months and not later than one month before expiration of the mandate or completion of 65 years of age;

2. within three days from learning of the circumstances under Art. 129, Para 3, Items 2 - 5 of the Constitution of the Republic of Bulgaria.

(4) (suppl. - SG 28/16) In case of early termination of the mandate of an administrative head in his place shall be appointed a person, the mandate of whom shall commence on the date of assumption of office. Before the new administrative head has assumed office his functions shall be exercised by a deputy determined by the respective collegium of the Supreme Judicial Council.

(5) (suppl. – SG 01/11, in force from 04.01.2011; suppl. - SG 28/16) The grounds for early dismissal of the Chairman of the Supreme Court of Cassation, the Chairman of the Supreme Administrative Court and the Chief Prosecutor shall be established by the plenum of the Supreme Judicial Council by a decision, adopted under the order of **Art. 173**, after which their dismissal shall be proposed to the President of the Republic of Bulgaria. The president may not refuse dismissal in cases of repeated proposal.

(6) (New - SG 16/21) The grounds for early release of the prosecutor in the investigation against the Prosecutor General or his deputy shall be established by the plenum of the Supreme Judicial Council

with a decision adopted in accordance with the procedure for his election.

(7) (Amend. – SG 50/12; suppl. - SG 28/16; amend. - SG 62/16, in force from 09.08.2016, previous Para. 6 - SG 16/21) The grounds for early dismissal of the Director of the National Investigation Service shall be established by the prosecutors collegium of the Supreme Judicial Council by a decision, adopted in accordance with the procedure for his election.

(8) (New – SG 01/11, in force from 04.01.2011; suppl. - SG 28/16, previous Para. 7 - SG 16/21) A deputy administrative head may be dismissed by decision of the respective collegium of the Supreme Judicial Council upon proposal of the administrative head. The deputy administrative head shall be dismissed also in the cases of his dismissal as a judge, prosecutor or investigator on the grounds of Art. 129, Para 3 of the Constitution of the Republic of Bulgaria.

Section I "a".

Inspection of the Property Statements of the Judges, Prosecutors and Investigators (New – SG 62/16, in force from 01.01.2017)

Art. 175a. (new - SG 62/16, in force from 01.01.2017) (1) The judges, prosecutors and investigators shall submit to the Inspectorate at the Supreme Judicial Council the following declarations:

1. a declaration of two parts on property and interests;
2. (suppl. - SG 7/18) a declaration of changing declared circumstances in the declaration under Item 1 in relation to the interests part under **Art. 175b, Para 1, Items 11 - 13** and on the origin of the funds for early repayment of liabilities and credits.

(2) The declarations referred to in Para 1 shall be submitted according to a sample approved by the chief inspector.

(3) The declarations shall be submitted:

1. on paper accompanied by an electronic copy, or
2. (amend. - SG 85/17) electronically, signed with a qualified electronic signature, created under the 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 (OB, L 257/73 of 28 August 2014) and **Electronic Document and Electronic Trust Services Act**.

(4) The declarations shall be stored for a period of 10 years.

(5) The declarations shall be destroyed after expiry of the period referred to in Para 4 by a commission appointed in an order of the Chief Inspector.

Art. 175b. (new - SG 62/16, in force from 01.01.2017) (1) The judges, prosecutors and investigators shall submit a declaration on property and interests in country or abroad, in which they shall state:

1. the immovable property;
2. motor land, water and air vehicles, and other vehicles subject to registration according to the law;
3. pecuniary amounts, including deposits, bank accounts and receivables of more than BGN 10 000 total value, including foreign currency;
4. insurance in pension funds for additional voluntary insurance, if their total value exceeds BGN 10 000;

5. (amend. – SG 15/18, in force from 16.02.2018, suppl. - SG 11/20) materialised securities including those acquired through participation in privatization transactions other than in the case of mass privatization, shares in limited liability companies and limited partnerships and financial instruments under **Art. 4 of the Act on Markets of Financial Instruments**;

6. debts and credits exceeding BGN 10 000, including credit cards, in case the total used credit limit during the preceding calendar year in local or foreign currency exceeded BGN 10 000;

7. (amend. - SG 11/20) income other than the one for their position received during the preceding

calendar year exceeding BGN 5 000;

8. (suppl. - SG 11/20) other's immovable property and other's motor land, water or air vehicles of value exceeding BGN 10 000, which the person or his spouse, or cohabitant, permanently uses irrespective of the grounds or the conditions for use. Not declared shall be the use of property of the institution where the person holds their position;

8a. (new - SG 11/20) security provided by them or for their benefit, or for the benefit of the persons under Para. 4 with their consent;

9. (amend. - SG 11/20) any security given or costs made by them or for their benefit, or for the benefit of the persons under Para 4 with their consent, where not paid with own funds, with public funds or with funds of the institutions, where they hold a position, for:

a) (suppl. - SG 11/20) training. Official training shall not be declared;

b) (suppl. - SG 11/20) travelling. Official trip shall not be declared;

c) (repealed - SG 11/20)

10. (amend. - SG 11/20) expenses for training other than in the cases under Item 9, including for the benefit of the persons under Para 4, which single value exceeds BGN 5 000;

11. participation in companies, in management or control bodies of companies, of non-profit legal persons or of cooperations, as well as acting as a sole entrepreneur at the date of election or appointment and 12 months before the date of election or appointment;

12. contracts with persons operating in fields related to the decisions made by the person within the scope of his powers or official duties;

13. information on related persons, to whose activities the judge, prosecutor or investigator has private interest.

(2) (Amend. - SG 11/20) In the declaration of the property shall be stated:

1. upon submission of a declaration under **Art. 175c, Para. 1, item 1** - the property under Para. 1 at the date of occurrence of the capacity, which is basis for declaration;

2. upon submission of a declaration under **Art. 175c, Para. 1, item 2** - change in the property under Para. 1, occurring in the previous calendar year, where with items 3 - 6 shall be indicated the stocks, respectively, the residual amount of the obligation as of December 31 of the previous calendar year;

3. upon submission of a declaration under **Art. 175c, Para. 1, item 3** - the property under Para. 1 at the date of loss of capacity, which is basis for declaration;

4. upon submission of a declaration under **Art. 175c, Para. 1, item 4** - change in the property under Para. 1, occurring within a period of one year after the loss of capacity, which is basis for declaring, with items 3 - 6 indicating the stocks, respectively, the residual amount of the obligation, calculated as of one year after the loss of capacity, which is basis for declaring.

(3) In the declaration of the property under Para 1, if acquired at the time of taking the position of a judge, prosecutor or investigator, shall be indicated also the legal grounds and the origin of the funds paid for its acquisition.

(4) The judges, prosecutors and investigators shall declare the property and income of their spouses or cohabitants and non-adult children.

(5) The judges, prosecutors and investigators shall not declare the property and income of their spouses in case of de facto separation and of non-adult children, if not exercising parental rights.

(6) The obliged persons shall file a declaration on the circumstances referred to in Para 5.

(7) The judges, prosecutors and investigators may file a statement that they do not allow the publication of the information regarding their cohabitant and regarding the property and income of this person.

Art. 175c. (new - SG 62/16, in force from 01.01.2017) (1) A declaration on property and interests shall be filed:

1. within one month from acquiring the capacity requiring the submission of a declaration;

2. annually by 15 May - for the preceding calendar year;

3. within one month from losing the capacity requiring the submission of a declaration;
4. (amend. - SG 11/20) within one month from the expiry of one year from the loss of capacity, which is basis for declaration.

(2) The declaration under **Art. 175a, Para 1, Item 2** shall be filed within one month from the date of the changes.

(3) (New - SG 11/20) The Declaration on the origin of the funds under Art. 175a, Para. 1, item 2 shall be submitted in case of full early repayment of debt and credit, and in case of partial early repayment - if the amount of the funds exceeds BGN 10 000.

(4) (New - SG 11/20) In case of change of the occupied position, a person who remains as obliged person under this Act shall not submit a declaration under Para. 1, items 1 and 3.

(5) (Previous Para. 3 - SG 11/20) Within one month from the submission of the declaration on property and interests the corresponding person may introduce changes in the declaration, when this is required for rectification of deficiencies or errors regarding the declared circumstances.

(6) (Previous Para. 4, amend. and suppl. - SG 11/20) Within one month from the expiry of the terms under Para 1, 2 and 5, the Inspectorate at the Supreme Judicial Council shall publish on its [website](#) the declarations of the judges, prosecutors and investigators and a list of the persons who have failed to file a declaration on time. The list shall be removed from the website at the end of the respective calendar year for which it pertains.

Art, 175d. (new - SG 62/16, in force from 01.01.2017) (1) The Inspectorate at the Supreme Judicial Council shall keep and maintain electronic public registers:

1. the declarations under **Art. 175a, Para 1, Items 1 and 2**;
2. of the penal decrees that have entered into force.

(2) The Inspectorate at the Supreme Judicial Council shall enter the declarations on property and interest and the ones for amending the declared circumstances into the public register under Para 1, Item 1. The entry shall be made only by officers authorised by the chief inspector.

(3) The public register under Para 1, Item 3 shall contain the filing number, the date of the declaration and the information under **Art. 175b, Para 1**.

(4) Any person shall have the right to access the information in the public register.

(5) (Amend. - SG 17/19) The access shall be made possible through the website of the Inspectorate at the Supreme Judicial Council in compliance with the requirements for the protection of personal data.

Art. 175e. (new - SG 62/16, in force from 01.01.2017) (1) (amend. - SG 7/18) Within six months from the deadline to file the declaration the Inspectorate at the Supreme Judicial Council shall verify the declared facts.

(2) For the verification the Inspectorate at the Supreme Judicial Council shall have access to the electronic data bases and other information massifs of the state and municipal bodies, the judiciary bodies and other institutions, where the declared facts are entered, announced or certified.

(3) The access of the Inspectorate of the Supreme judicial Council to the information massifs and registers of the state and local bodies, except for the security authorities, shall be direct through electronic means and free of charge. The procedure of providing information by other bodies, where the direct access is not possible due to technical requirements, shall be set out in an agreement between the chief inspector and the corresponding body.

(4) The Inspectorate at the Supreme Judicial Council may request additional information from the state bodies, the bodies of the local self-government and the local administration, the judiciary bodies and other institutions, where the declared facts are entered, announced or certified.

(5) The bodies and institution under Para 4 shall provide the necessary information within one month from receipt of the request.

(6) (amend. - SG 49/18, suppl. - SG 11/20) The Inspectorate at the Supreme Judicial Council may receive information from the information systems referred to in **Art. 56** and **56a** of the Credit Institutions

Act. Chief inspector and the inspectors from the Supreme Judicial Council Inspectorate may request disclosure of bank secrecy by the District Court in which area the person's permanent address is located, except in cases where consent has been given under Art. 62, para. 5, item 1 of the Credit Institutions Act. Consent shall be given before the Supreme Judicial Council Inspectorate in writing, without notary certification of the signature, in a form approved by the Chief inspector.

(7) The Inspectorate at the Supreme Judicial Council may request waiver of the insurance secrecy, and also disclosure of taxation and insurance information.

(8) (New - SG 11/20) The Supreme Judicial Council Inspectorate may also request the provision of information on individual accounts for the previous calendar year of the insured persons and the pensioners - from the pension insurance companies that have established and manage Supplementary Voluntary Pension Funds pursuant to the **Social Insurance Code**.

Art. 175f. (new - SG 62/16, in force from 01.01.2017) (1) The verification shall be made by comparing the declared facts with the received information.

(2) Where no declaration has been filed for the current year, the verification under Para 1 shall be made on the basis of the latest filed declaration.

Art. 175g. (new - SG 62/16, in force from 01.01.2017) (1) (Suppl. - SG 11/20) The verification shall be finalised with a compliance report, where no discrepancies have been found between the declared facts and the received information in the amount of up to BGN 10 000. In the rest of the cases the verification shall be finalised with a non-compliance report.

(2) (Amend. and suppl. - SG 11/20) In case of finding a discrepancy the Inspectorate at the Supreme Judicial Council shall notify the corresponding person and shall provide him a term of 14 days to remedy the deficiencies and the errors in the declared circumstances. The notification shall be sent to the address given by the person, including electronic mail, and if not found, to the place of employment. Where the notification cannot be served, notifying shall be done by means of a notice on the website of the Supreme Judicial Council Inspectorate, for a period not less than 7 days, after which the notification shall be deemed to have been served.

(3) (Suppl. - SG 11/20) The Inspectorate at the Supreme Judicial Council shall publish on its [website](#) a list of the persons, in whose declarations have been found discrepancies, which have not been remedied within the time limit under Para 2. The list shall be removed from the website at the end of the respective calendar year for which it pertains.

(4) In case of discrepancy between the declared and established facts after the term referred to in Para 2 in an amount of at least BGN 20 000 the Inspectorate at the Supreme Judicial Council shall send the report to the competent authorities to check the economic status of the person. The Chief Inspector shall notify the results of the check within 14 days from finalising it.

Art. 175h. (new - SG 62/16, in force from 01.01.2017) (1) (Amend. - SG 11/20) In case of discrepancies in amounts between BGN 5000 and BGN 10 000 or information for conflict of interests, the Inspectorate at the Supreme Judicial Council shall organise an additional check on the respective person, who, within 14 days from being notified, shall declare the information under **Art. 175b, Para 1** and any other information required for the verification.

(2) (amend. - SG 83/19, in force from 22.10.2019) During the verification of the declared facts shall be requested information of the availabilities and the movement of funds in the bank accounts of the persons, of the financial instruments of the central register for securities kept by the Central Depository AD registers owned by them, information from the information systems of the Ministry of Interior, and the checked person shall be provided the opportunity to issue written explanations and submit evidence.

(3) (Amend. - SG 11/20) The additional verification shall end with a reasoned report of the verifying team of the presence or lack of discrepancies. A discrepancy report shall be drawn up, where after the additional collection of information there is still a discrepancy between the declared data and the received information, which economic value exceeds BGN 10 000.

(4) In case of a discrepancy report under Para 3 shall be notified also the competent authorities in order to undertake the necessary actions.

(5) (Amend. - SG 11/20) An additional verification shall also be performed when in a signal, meeting the conditions of **Art. 175k, Para. 5**, there are data on discrepancy between the property status of a judge, prosecutor or investigator, and the declaration under **Art. 175b, Para 1**, exceeding BGN 10 000. In this case, the additional check shall be carried out simultaneously with the check of the signal under **Art. 175l – 175n**.

Section I "b".

Checks of integrity and conflict of interests checks and for establishing actions harming the prestige of the Judiciary, and checks related to the violation of the independency of the judges, prosecutors and investigators (New – SG 62/16, in force from 01.01.2017)

Art. 175i. (new - SG 62/16, in force from 01.01.2017) (1) Conflict of interest arises, when a judge, prosecutor or investigator has private interest, which may influence the impartial and objective exercise of his official powers and duties.

(2) Private is any interest leading to a economical or non-economical benefit for a person under Para 1 or persons related to him, including any undertaken duty.

(3) Benefit is any pecuniary or non-pecuniary profit, including the acquisition of share or stocks, as well as grant, assignment or waiver of rights, receipt of goods or services, support or influence, advantage, receipt of or promise for work, occupation, a present, award or promise to avoid loss, responsibility, sanction or other unfavourable event.

(4) A judge, prosecutor or investigator with a private interest in a particular case other than consideration of the cases and the files shall file a conflict of interest declaration with the Inspectorate at the Supreme Judicial Council and stop exercising his competences in respect of the corresponding person or activity.

(5) Where a law provides special grounds for challenge or withdrawal of a judge, shall apply the special law.

(6) Immediately after the finalisation of lawsuits with a judicial act in force, or files and cases of prosecutors and investigators, the administrative heads of the judiciary authorities shall send to the Inspectorate at the Supreme Judicial Council copies of the judicial acts and acts of prosecutors and investigators revoked for violation of legal provisions regulating the grounds for challenging a judge, prosecutor or investigator in handling lawsuits and files.

Art. 175j. (new - SG 62/16, in force from 01.01.2017) (1) The subject of the check of a judge, prosecutor or investigator for conflict of interest shall be finding sufficient information for the presence of a private interest in the exercise of specific official functions of this person.

(2) The subject of the check of a judge, prosecutor or investigator for integrity shall be whether the person receives economic or non-economic benefit beyond the boundaries of law irrespective of its nature, which may call into question his independence and impartiality.

(3) The subject of the check of a judge, prosecutor or investigator for independence shall be whether in performing his official duties the person exercises or succumbs to pressure, threats, stimulus, direct or indirect influence from representatives of the public authorities or private influence, whether internal or external for the Judiciary.

(4) The subject of the check for establishing actions impairing the prestige of the Judiciary shall be whether the behaviour of the person is contrary to socially established perceptions for decency and whether his actions discredit the honour of a judge, prosecutor or investigator in the profession and the society.

Art. 175k. (new - SG 62/16, in force from 01.01.2017) (1) Anyone, possessing information on the private interest of a judge, prosecutor or investigator related to the exercise of his specific functions or on actions contrary to the principles of integrity, impairing the prestige of the Judiciary or related to the

violation of the independence of the judges, prosecutors and investigators, may submit a signal to the Inspectorate at the Supreme Judicial Council.

(2) A signal shall be considered also the publication in the mass media unless meeting the requirements of Para 5, Items 2 - 4.

(3) Any signal shall be registered by the Inspectorate at the Supreme Judicial Council immediately after submission.

(4) Any signal outside the competence of the Inspectorate at the Supreme Judicial Council shall be immediately forwarded to the competent authorities.

(5) Any signal shall contain:

1. full name, unified civil number, address, telephone, fax and email, if available;
2. name of the person, against whom the signal is submitted, and his position;
3. specific data of the alleged violation, including place and period of committing the violation, description of the act, and other surrounding circumstances;
4. referral to documents and other sources containing information in support of the signal, including information of persons capable to confirm the stated information or provide additional information;
5. date of filing the signal;
6. signature of the author.

(6) The signal may be accompanied by any kind of information sources in support of the statements therein.

(7) (New - SG 11/20) The consideration of the signal may proceed in two phases:

1. preliminary investigation, which shall be completed within one month after the signal has been registered;
2. inspection in accordance with **Art. 175l – 175n**.

(8) (New - SG 11/20) In carrying out the preliminary investigation and the inspections under this section, the Supreme Judicial Council Inspectorate shall have the following rights:

1. at the preliminary investigation - the rights under **Art. 175e, Para. 2 - 5**;
2. during the inspections - the rights under **Art. 175e, Para. 2 - 8**.

(9) (Previous Para. 7 - SG 11/20) The Chief Inspector shall approve a sample of a signal, which shall be accessible on the [website](#) of the Inspectorate at the Supreme Judicial Council and on-the-spot.

(10) (Previous Para. 8 - SG 11/20) The Chief Inspector shall be responsible to enable technically the submission of signals in a way ensuring communication with the sender without disclosing his identity.

Art. 175l. (new - SG 62/16, in force from 01.01.2017) (1) The checks under this section shall commence at the order of the Chief Inspector:

1. following a signal meeting the requirement of **Art. 175k, Para 5**;
2. at the request of a judge, prosecutor or investigator, where the check is about him;
3. ex officio by the Inspectorate at the Supreme Judicial Council, where in the course of a check under **Art. 56, Para 1** it finds information of violations under the present Section;
4. upon receipt of a judicial act under **Art. 175i, Para 6**.

(2) (Amend. - SG 11/20) The order of the Chief Inspector under Para. 1 shall also indicate the grounds for starting a check.

Art. 175m. (new - SG 62/16, in force from 01.01.2017) (1) (Amend. - SG 11/20) The Inspectorate at the Supreme Judicial Council shall conduct the checks under this Section within two months from the termination of the preliminary investigation. The time frame of the check may be extended once with up to two months by an order of the Chief Inspector.

(2) In the course of the checks shall be collected information related to the subject of the check and the checked person shall be heard.

(3) (Amend. - SG 11/20) The Inspectorate of the Supreme Judicial Council may request information, written and material evidence, and documents from the sender of the signal, from the checked

person, or from other persons who could confirm the information contained in the signal or provide other information.

(4) (New - SG 11/20) The persons under Para. 3 shall be obliged to provide the requested information, evidence and documents, as well as to appear in person at the Inspectorate of the Supreme Judicial Council, if summoned. Where personal appearance cannot be carried out for good reason, a time limit shall be set for this.

(5) (New - SG 11/20) The provision of information, evidence and documents requested by the Inspectorate to the Supreme Judicial Council during the inspections under this Section shall be obligatory for the citizens, if this does not endanger their rights.

Art. 175n. (new - SG 62/16, in force from 01.01.2017) (1) Every check shall end with a reasoned report indicating the actions during the check, the established facts and circumstances. The report shall contain a specific opinion on the presence or absence of sufficient data for conflict of interest, or respectively actions or omissions contrary to the principles of integrity, impairing the prestige of the Judiciary or related to the violation of the independence of the judges, prosecutors and investigators.

(2) The report shall be submitted for discussion to the Inspectorate at the Supreme Judicial Council, which shall adopt a decision for termination of the check in the absence of sufficient data under Para 1 or for proposing the imposition of a disciplinary sanction or establishing conflict of interest to the corresponding collegium at the Supreme Judicial Council, where sufficient data is available. Upon establishing data for violation of the independence of a judge, prosecutor or investigator by a persons not having such capacity shall be notified the head of the said person.

(3) The checked person shall be notified of the results of the check and of the decision of the Inspectorate at the Supreme Judicial Council.

Art. 175o. (new - SG 62/16, in force from 01.01.2017) (1) Where the proposal for a disciplinary sanction under **Art. 175n** is based on information for conflict of interest, in its decision the Inspectorate at the Supreme Judicial Council shall also proposed to the corresponding collegium of the Supreme Judicial Council to open proceedings for establishing conflict of interest.

(2) Following proposals for establishing conflicts of interest or imposing a disciplinary sanction shall be opened general proceedings under Chapter Sixteen and the evidence shall be collected as set out in the **Administrative Procedure Code**, the person shall be heard and shall be allowed to object also to the conflict of interest issue. In such case the decision shall contain separate resolutions on the presence or absence of conflict of interest and on the imposition of a disciplinary sanction, which shall be appealed as set out in **Art. 323** and shall be announced under **Art. 324**.

(3) Within 7 days from entry into force of the decision establishing conflict of interest, the corresponding collegium of the Supreme Judicial Council shall notify the competent authorities on the opening of proceedings for checking the property status of the person, where provided for in a law, or for imposing the proprietary consequences of the law following the violation.

Art. 175p. (new - SG 62/16, in force from 01.01.2017) (1) A person who has submitted a signal may not incur unfavourable consequences on this ground only.

(2) The persons assigned to examine the signal shall be obliged:

1. not to disclose the identity of the person who has filed the signal;
2. not to disclose the facts and information learnt in relation to examining the signal;
3. to protect the written documents entrusted to them from unauthorised access by third parties.

(3) The information under Para 2 shall be considered official secret.

(4) The persons under Para 2 shall propose to the corresponding heads the implementation of specific measures to protect the identity of the author of the signal, measures to prevent actions causing moral or physical pressure to him.

(5) In special circumstances the Chief Inspector may request the assistance of the bodies of the Ministry of Interior in order to implement additional measures to protect the persons who has submitted the

signal.

(6) The Chief Inspector shall approve rules on the implementation of the measures to protect the identity of the person who has submitted the signal.

Art. 175q. (new - SG 62/16, in force from 01.01.2017) The person who was dismissed, persecuted or subject to actions leading to psychical or physical harassment for filing a signal shall be entitled to compensation for the incurred economic and moral damages in a judicial procedure.

Art. 175r. (new - SG 62/16, in force from 01.01.2017) No information shall be provided for pending cases, unless prescribed by a law.

Art. 175s. (new - SG 62/16, in force from 01.01.2017) The checked persons shall be entitled to a lawyer in the course of the checks and the proceedings under this Section.

Art. 175t. (new - SG 62/16, in force from 01.01.2017) To issues not covered by this Section shall apply the **Administrative Procedure Code**.

Section II.

Contests for Junior Judges, Junior Prosecutors and Junior Investigators. Contests for Initial Appointment in the Judiciary Authorities (Title amend. – SG 01/11, in force from 04.01.2011; amend. - SG 62/16, in force from 01.01.2017)

Art. 176. (1) In order to occupy a position in the judiciary authorities a centralized contest shall be held for:

1. (amend. - SG 33/09; amend. - SG 62/16, in force from 09.08.2016) junior judges , junior prosecutors and junior investigators;

2. (suppl. - SG 62/16, in force from 09.08.2016) initial appointment in a district, regional or administrative court and the corresponding prosecution authorities.

(2) (amend. - SG 32/11, in force from 19.04.2011) The contest in the cases of Para 1, Item 1 shall be held once per year being announced in January and conducted in April of the respective year.

(3) (amend. - SG 32/11, in force from 19.04.2011) The contest in the cases of Para 1, Item 2 shall be held at least once a year and within two months from its announcement.

Art. 177. (amend. - SG 33/09) (1) (suppl. - SG 28/16; amend. - SG 62/16, in force from 09.08.2016) The positions for junior judges, junior prosecutors and junior investigators shall be planned by the respective collegium of the Supreme Judicial Council upon proposal of the administrative heads of the judiciary authorities for each following calendar year.

(2) (amend. - SG 62/16, in force from 09.08.2016) The positions planned for junior judges, junior prosecutors and junior investigators may not be transformed after announcement of the contest.

(3) (amend. - SG 62/16, in force from 09.08.2016) The vacant positions for junior judges, junior prosecutors and junior investigators may not be transformed to positions for judges and prosecutors.

Art. 178. (1) (amend. - SG 33/09; amend. - SG 62/16, in force from 09.08.2016, amend. – SG 90/17, amend. - SG 11/20) The Supreme Judicial Council shall determine the vacant positions separately in the court, the prosecution authority and the investigation authorities to be occupied through contest for initial appointment.

(2) (amend. - SG 33/09; suppl. - SG 62/16, in force from 09.08.2016, suppl. – SG 90/17, amend. - SG 11/20) The number of vacant positions referred to in Para 1 shall be determined individually, according to the needs of any body of the judiciary, for each of the levels in the court, the prosecution authority and the investigation authorities.

(3) (new – SG 01/11, in force from 04.01.2011) The vacancies referred to in Para 1 shall be announced simultaneously with the announcement of the vacancies in the judiciary authorities referred to in **Art. 188**.

(4) (new – SG 01/11, in force from 04.01.2011; declared non-constitutional in DCC No 10/11 – SG
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93/11) **The provision of Para 1 shall not apply to the vacancies in the specialised courts and prosecution authorities.**

Art. 179. (amend. - SG 33/09; suppl. - SG 28/16; amend. - SG 62/16, in force from 09.08.2016)
The positions for junior judges, junior prosecutors and junior investigators and the vacant positions for initial appointment shall be announced by the respective collegium of the Supreme Judicial Council through promulgation in the State Gazette, publication in a central daily newspaper and on the [website](#) of the Supreme Judicial Council in the internet.

Art. 180. (1) (amend. - SG 28/16) The respective collegium of the Supreme Judicial Council shall announce an individual contest for each judicial authority through promulgation of the decision in the State Gazette and its publication in one central daily newspaper and on the [website](#) of the Supreme Judicial Council in the internet.

(2) The announcement under Para 1 shall contain:

1. the number and the type of the positions and the relevant judiciary authorities;
2. the required documents, the term and the place for their submission;
3. the programme of conducting the contest;
4. the date, hour and place of conducting the contest.

Art. 181. (1) (amend. - SG 33/09; amend. - SG 62/16, in force from 09.08.2016) In the contests for junior judges, junior prosecutors and junior investigators may participate any person, meeting the requirements of **Art. 162**.

(2) In the contest for initial appointment may participate any person, meeting the requirements of Art. 162 and having the practice referred to in **Art. 164** required for the position, for which the contest was announced.

(3) (new - SG 62/16, in force from 09.08.2016) In the contests under Para 1 and 2 may not participate candidates not approved pursuant to **Art. 186, Para 7** by a decision of the corresponding collegium of the Supreme Judicial Council.

(4) (amend. – SG 01/11, in force from 04.01.2011; prev. text of Para 03, amend. - SG 62/16, in force from 09.08.2016) In order to participate in the contests under Para 1 and 2 an application shall be filed with the administration of the Supreme Judicial Council accompanied by the following documents:

1. a detailed CV signed by the candidate;
2. a notary certified copy of a diploma for completed higher education in Law;
3. a notary certified copy of a certificate for acquired legal capacity;
4. (revoked - SG 103/17, in force from 01.01.2018)
5. a medical certificate issued after a medical examination that the person does not suffer a mental disease;
6. (suppl. - SG 62/16, in force from 09.08.2016) a notary certified copy of an employment/officer's and/or insurance book or another document attesting the required service under Art. **164** for the position;
7. (new - SG 62/16, in force from 09.08.2016, repealed - SG 11/20)
8. (new - SG 62/16, in force from 09.08.2016) completed questionnaire according to a sample prepared by the corresponding collegium of the Supreme Judicial Council in relation to the moral qualities of the candidate;
9. (new - SG 62/16, in force from 09.08.2016) a motivation letter;
10. (prev. text of Item 07 - SG 62/16, in force from 09.08.2016) other documents that the candidate finds relevant to his professional or moral qualities.

(5) (new - SG 62/16, in force from 09.08.2016) The decision of the corresponding collegium for non-admission of the candidate to the contest shall be reasoned and subject to appeal as set out in **Art. 182**.

Art. 182. (1) (amend. – SG 01/11, in force from 04.01.2011; amend. - SG 28/16, suppl. - SG 103/17, in force from 01.01.2018) The Committee on the Attestation and Contests at the respective collegium shall examine the documents and the circumstances concerning the previous convictions of the candidates are established ex officio and shall admit to participation in the contest all candidates, meeting the requirements of **Art. 181**.

(2) The lists of the persons admitted and non-admitted to participate in the contest shall be announced on the [website](#) of the Supreme Judicial Council in the internet at least 7 days in advance of the date of conducting the contest.

(3) In the list of the persons, who have not been admitted to participate in the contest, there shall be also a notice of the grounds for non-admission.

(4) (new - SG 62/16, in force from 09.08.2016) The candidates not admitted to the contest may contest before the corresponding collegium of the Supreme Judicial Council their non-admission within three days from announcing the list under Para 2 on the website of the Supreme Judicial Council.

(5) (new - SG 62/16, in force from 09.08.2016) Within 7 days from deposition of the appeal the corresponding collegium of the Supreme Judicial Council shall hand down a decision of rejecting the appeal or admitting the candidate. The decision shall be announced on the website of the Supreme Judicial Council.

(6) (new - SG 62/16, in force from 09.08.2016) The decision referred to in Para 5 may be appealed before the Supreme Administrative Court within 7 days from its announcement.

(7) (new - SG 62/16, in force from 09.08.2016) The Supreme Administrative Court shall examine the appeal within 7 days in a closed hearing and send copies thereof to the parties. The decision of the Court shall be final.

(8) (new - SG 62/16, in force from 09.08.2016) The appeal under Para 4 and 6 shall suspend the execution.

Art. 183. (amend. - SG 62/16, in force from 09.08.2016) (1) The corresponding collegium of the Supreme Judicial Council shall determine five-member contest commission for the conduct of the contests for the announced positions in the district, regional and administrative courts and in the prosecution authorities.

(2) (Amend. – SG, 29/19) The members of the contest commissions shall include one habilitated scholar in legal studies from the corresponding field and 4 members with the status of an active judge, prosecutor or investigator, determined as follows:

1. in a contest for a junior judge and initial appointment of a judge in a district court - proposed according to a contest field by the general assemblies of the judges from the regional courts for each appellate region; the judges from the regional courts in one appellate region shall conduct one general assembly;

2. in a contest for initial appointment of a judge in a regional court - proposed according to a contest field by the general assemblies of all appellate courts;

3. (new - SG 11/20, repealed – SG, 32/22, in force from 27.07.2022);

4 (previous item 3 - SG 11/20) in a contest for initial appointment of a judge in an administrative court - by the plenum of the judges at the Supreme Administrative Court, determined among them by a lot;

5. (previous item 4 - SG 11/20) in a contest for a junior prosecutor and initial appointment of a prosecutor in a district prosecution authority - by the assemblies of the prosecutors from all regional prosecution authorities for each appellate region;

6. (previous item 5 - SG 11/20) in a contest for initial appointment of a prosecutor in a regional prosecution authority - by the assemblies of the prosecutors in all appellate prosecution authorities;

7. (new - SG 11/20, repealed, - SG, 32/22, in force from 27.07.2022);

8. (previous item 6 - SG 11/20) in a contest for a junior investigator and initial appointment of an investigator - by the assembly of the investigators at the National Investigation Service.

(3) (Amend. - SG 11/20, amend. - SG, 32/22, in force from 27.07.2022) Of the nominees made by

the authorities under Para 2, Items 1, 2, 5, 6, and 8 the corresponding collegium of the Supreme Judicial Council shall elect members of the contest commission by a lot. The contest commission shall elect a chairman from its members with the status of an active judge, prosecutor or investigator.

(4) (Amend. - SG 11/20) The authorities under Para 2, Items 1 - 8 shall propose to the corresponding collegium of the Supreme Judicial Council members for participants in a contest commission every three years. The participants may be nominated more than once.

(5) The members of the contest commission shall have acquired a permanent status and during the latest 5 years they shall not have been imposed any of the disciplinary sanctions under **Art. 308, Para 1, Items 3, 4, 5 or 6** by a decision in force. In the contest commission may not participate members of the Supreme Judicial Council and administrative heads.

(6) The participation in the contest commission shall be taken into account in preparing an attestation and determining the workload on the corresponding judge, prosecutor or investigator.

Art. 184. (1) The contest shall consist of a written and oral exam and the marks shall be according to the six-grade system.

(2) (amend. - SG 62/16, in force from 09.08.2016) The written exam shall be anonymous and shall include:

1. a check of the knowledge of the elected candidate in a legal branch by solving a case;
2. a check of the knowledge in the law of the European Union and in the field of the human rights by a test.

(3) The results of the written exam shall be announced on a place accessible to the public in the building of the Supreme Judicial Council and on its [website](#) within three days from signing the protocol by the conducting commission.

(4) (amend. - SG 62/16, in force from 09.08.2016, suppl. - SG 11/20) To the oral exam shall be admitted only the candidates, who has passed the written exam with at least very good "4,50" grade on the case and with at least very good "4,50" grade on the test under Para 2.

(5) The oral exam shall be conducted not earlier than 7 days from the announcement under Para 3.

(6) (new - SG 62/16, in force from 09.08.2016) The oral exam shall include an interview with the candidate on questions from the corresponding branches of the law under Para 2 and questions related to the Code of Ethical Conduct of the Bulgarian magistrates in accordance with questions published in advance.

Art. 185. (1) (suppl. - SG 62/16, in force from 09.08.2016) The contest commission shall announce the results of the oral exam within 7 days from conducting it in a place accessible to the public in the building of the Supreme Judicial Council and on its [website](#). The ranking shall include only candidates with at least the grade good "4,00" in the oral exam.

(2) (revoked - SG 33/09)

(3) (revoked - SG 33/09)

Art. 186. (amend. – SG 01/11, in force from 04.01.2011; amend. - SG 32/11, in force from 01.01.2012) (1) (Suppl. - SG 11/20) The ranking of the candidates in the contest referred to in **Art. 176, Para 1, Item 1** shall be carried out by the contest commission by ordering them according to the contest results, which shall be formed as a sum of the results from the written and the oral exam. In cases of equal results the commission shall rank the candidate with higher general results in the state exams. In the event of a tie, the contest board shall rank the one candidate who has higher overall grades from his higher education studies to acquire a degree in Law.

(2) (amend. – SG 28/16; amend. - SG 62/16, in force from 09.08.2016, suppl. - SG 11/20) Within 7 days from announcement of the ranking the candidates ranked in the announced vacant positions, as well as the same number of back-up candidates, shall submit to the Supreme Judicial Council the declarations under **Art. 19a, Para 1**. The Professional Ethics Commission at the corresponding collegium of the Supreme

Judicial Council shall submit to it information of the moral qualities of the candidates in the ranking within the number of the announced vacancies and shall draw up an opinion for each candidate.

(3) (amend. – SG 28/16; amend. - SG 62/16, in force from 09.08.2016) On the basis of the ranking results referred to in Para 1 and the opinion referred to in Para 2 the contest commission shall propose to the corresponding collegium of the Supreme Judicial Council to approve the candidates for junior judges, junior prosecutors and junior investigators.

(4) (amend. – SG 28/16; suppl. - SG 62/16, in force from 09.08.2016) The respective collegium of the Supreme Judicial Council shall adopt a decision for approval of the candidates by checking whether the ranked candidates meet the requirements of **Art. 162** and **Art. 185, Para 1**. The check shall be based on all documents for the candidate supplied by him, as well as by the Professional Ethics Commission at the respective collegium.

(5) (amend. – SG 28/16; suppl. - SG 62/16, in force from 09.08.2016) The respective collegium of the Supreme Judicial Council shall refuse to approve a candidate which shall be found not to meet the requirements of **Art. 162** and **Art. 185, Para 1** and shall include in his place the next candidate in the ranking.

(6) (suppl. – SG 28/16; amend. - SG 62/16, in force from 09.08.2016) The approved candidates for junior judges, junior prosecutors and junior investigators shall explicitly state in writing before the respective collegium of the Supreme Judicial Council their wish to be appointed at the respective position according to the ranking based on the results referred to in Para 1, where each subsequent candidate shall choose from the remaining non-applied for vacancies. A candidate, who does not express their wish, shall be substituted by the next in the ranking an approved candidate.

(7) (amend. – SG 28/16; amend. - SG 62/16, in force from 09.08.2016) In a decision the respective collegium of the Supreme Judicial Council shall adopt the final list of approved candidates for junior judges, junior prosecutors and junior investigators on the respective vacancies according to their expressed wish.

(8) Within one month from entry into force of the decision under Para 7 the candidates shall submit a declaration about the circumstances referred to in **Art. 195, Para 1**.

(9) (amend. - SG 62/16, in force from 09.08.2016) The decision referred to in Para 7 shall be sent to the National Institute of Justice for inclusion in the education referred to in **Art. 249, Para 1, Item 1**. Where a candidate refuses to commence training at the National Institute of Justice the corresponding collegium of the Supreme Judicial Council shall supplement the list with the next ranked candidate who has agreed to start training. The refusal shall be submitted in writing not later than 14 days before the commencement of the training for the corresponding year.

Art. 186a. (new - SG 32/11, in force from 01.01.2012) (1) (Suppl. - SG 11/20) The ranking of the candidates for initial appointment shall be carried out by the commission by ordering them according to the contest results, which shall be formed as a sum of the results from the written and the oral exam. In cases of equal results the commission shall rank higher the candidate with higher general results in the state exams. In the event of a tie, the contest board shall rank the one candidate who has higher overall grades from his higher education studies to acquire a degree in Law.

(2) (amend. – SG 28/16; amend. - SG 62/16, in force from 09.08.2016, amend. - SG 11/20) The Professional Ethics Commissions at the collegia of the Supreme Judicial Council shall analyse the documents referred to in **Art. 19a**, **Art. 181, Para 4, Items 1, 8 and 9**, perform checks under **Art. 37, Para 9** of the first three candidates in the ranking for the respective vacancy, draw up a reasoned opinion for each candidate under **Art. 162, Item 3** and submit it to the corresponding collegium of the Supreme Judicial Council.

(3) (amend. – SG 28/16; amend. - SG 62/16, in force from 09.08.2016) On the basis of the ranking results referred to in Para 1 and the opinion referred to in Para 2 the Commissions on the Attestation and Contests shall submit to the corresponding collegium of the Supreme Judicial Council a proposal for initial appointment in the respective judiciary authorities. Within 7 days from submission of the proposal referred

to in the first sentence the candidate shall file a declaration in writing on the circumstances under **Art. 195, Para 1**.

(4) (amend. – SG 28/16) The respective collegium of the Supreme Judicial Council shall adopt a decision for appointment of the candidates according to the order of their ranking until the vacancies, for which the contest was announced, are filled following three subsequent classifications.

(5) (amend. – SG 28/16) When adopting the decision referred to in Para 4 the respective collegium of the Supreme Judicial Council shall check whether the first classified candidate meets the requirements of **Art. 162** and **164**. The check shall be performed on the basis of the documents submitted by the candidate. For the check the respective collegium of the Supreme Judicial Council shall take into account the opinion of the Professional Ethics Commission at the respective collegium.

(6) (amend. – SG 28/16; amend. - SG 62/16, in force from 09.08.2016) The respective collegium of the Supreme Judicial Council shall refuse to appoint a candidate in a decision, when it has been found that he fails to meet the requirements of **Art. 162, 164, Art. 184, Para 4** and **Art. 185, Para 1**.

Art. 187. (1) (amend. – SG 01/11, in force from 04.01.2011; amend. - SG 32/11, in force from 01.01.2012; suppl. – SG 28/16; suppl. - SG 62/16, in force from 09.08.2016, suppl. - SG 49/18) Any interested person may appeal the decision of the respective collegium of the Supreme Judicial Council under **Art. 167, Para. 3, Art. 186, Para 7** and **Art. 186a, Para 6** within 7 days from its announcement. The appeal shall suspend the enforcement of the decision unless otherwise ruled by the court.

(2) (revoked – SG 42/09)

(3) (amend. - SG 62/16, in force from 09.08.2016) The Supreme Administrative Court shall consider the appeal in a public hearing and shall hand down a decision within one month from its submission to the court together with the administrative file having summoned the appealing party, the administrative authority and the interested persons. The decision of the court shall be final.

Section II "a".

Contests for Promotion and Transfer of Judges, Prosecutors and Investigators in the Judiciary Authorities. Election of Administrative Heads of the Judiciary Authorities (new – SG 01/11, in force from 04.01.2011)

Art. 188. (1) (new – SG 01/11, in force from 04.01.2011; suppl. – SG 28/16; amend. - SG 62/16, in force from 09.08.2016, amend. - SG 11/20) The administrative heads shall notify the respective collegium of the Supreme Judicial Council of the expected vacancies for the next year by 30 September of the preceding year. The corresponding collegium of the Supreme Judicial Council shall determine the number of vacancies at the date of announcement of the contest for each judiciary body in the courts, the prosecution and the investigation bodies to be occupied by promotion. In the absence of candidates for transfer, the vacancies shall be occupied by following a contest for promotion.

(2) (revoked, prev. text of Para 01 – SG 01/11, in force from 04.01.2011; amend. - SG 62/16, in force from 09.08.2016) The organization for conducting the contests shall be supported by the administration of the corresponding collegium at the Supreme Judicial Council.

Art. 189. (amend. – SG 01/11, in force from 04.01.2011) (1) (suppl. – SG 28/16; amend. and suppl. - SG 62/16, in force from 09.08.2016) The vacant positions in the courts, the prosecution authorities and the investigation authorities, other than those referred to in **Art. 178**, shall be announced by the respective collegium of the Supreme Judicial Council under the order of **Art. 179** for each judiciary authority separately and shall be occupied following a contest. The contests for the superior bodies of the Judiciary shall be announced in a decision and shall be conducted before the announcement of the contests for the lower level bodies. In case the contests for the superior bodies do not end within three months with a decision of the corresponding collegium of the Supreme Judicial Council announced shall be the contests for

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the lower level bodies.

(2) (suppl. - SG 62/16, in force from 09.08.2016) Promotion in office shall mean transition to a position of higher degree in a judiciary authority of the same type.

(3) (amend. - SG 62/16, in force from 09.08.2016) Outside the cases of **Art. 194, Para 2** the transfer shall mean transition to a position of equal or lower degree of the judge – to another court, of the prosecutor – to another prosecution authority, and of the investigator – to another investigation division.

(4) (suppl. – SG 28/16; amend. - SG 62/16, in force from 09.08.2016, suppl. - SG 11/20) The transition of a judge to the position of a prosecutor or investigator, of a prosecutor – to the position of a judge or investigator, or of an investigator - to the position of a judge or prosecutor, shall take place by means of a contest for promotion or transfer, including a check of the knowledge to occupy the corresponding position by a written exam following a syllabus. Candidates who have received a grade not lower than Very Good "4.50" in the written exam shall be eligible to participate in the ranking.

(5) (amend. - SG 62/16, in force from 09.08.2016, amend. – SG, 29/19) The contest shall be conducted by contest commissions of five members, formed in accordance with the contest field. The members of the contest commission shall include one habilitated scholar in legal studies in the same branch of law holding the academic title of a docent or professor, as well as 4 members with the status of an active judge, prosecutor or investigator determined as follows:

1. in a contest for a transfer of a judge to a district court - according to a contest field by the general assemblies of the judges at the regional courts for each appellate region; the judges of the regional courts within an appellate region shall conduct one general assembly;

2. in a contest for promotion and transfer of a judge to a regional court - according to a contest field by the general assemblies of all appellate courts;

3. in a contest for promotion and transfer of a judge to an administrative court - by the plenum of the Supreme Administrative Court by a lot among them;

4. in a contest for promotion and transfer of a judge to an appellate court - by the plenum of the Supreme Court of Cassation by a lot among them;

5. in a contest for promotion and transfer of a judge to the Supreme Court of Cassation or the Supreme Administrative Court - according to a contest field by the plenums of the Supreme Court of Cassation and the Supreme Administrative Court by a lot among them;

6. in a contest for a transfer of a prosecutor to a district prosecution authority - by the assemblies of the prosecutors at all regional prosecution authorities for each appellate region;

7. in a contest for a transfer of a prosecutor to a regional prosecution authority - by the assemblies of the prosecutors at all appellate prosecution authorities;

8. in a contest for promotion and transfer of a prosecutor to an appellate prosecution authority - by the assembly of the prosecutors at the Supreme Prosecution Authority of Cassation by a lot among them;

9. in a contest for promotion and transfer of a prosecutor to the Supreme Prosecution Authority of Cassation or the Supreme Administrative Prosecution Authority - by the assemblies of the prosecutors of the Supreme Prosecution Authority of Cassation and the Supreme Administrative Prosecution Authority by a lot among them;

10. in a contest for promotion and transfer of an investigator to a regional investigation division and to the National Investigation Service - by the assembly of the investigators at the National Investigation Service.

(6) (amend. - SG 62/16, in force from 09.08.2016) The members of the contest commission with the status of an active judge, prosecutor or investigator shall be elected by the corresponding collegium at the Supreme Judicial Council by a lot from among the nominees of the authorities under Para 5, Item 1, 2, 6, 7 and 10. The contest commission shall elect a chairman among its members.

(7) (amend. – SG 28/16; revoked - SG 62/16, in force from 09.08.2016)

(8) (suppl. – SG 28/16; amend. - SG 62/16, in force from 09.08.2016) The authorities under Para 5, Items 1, 2, 6, 7 and 10 shall propose to the corresponding collegium of the Supreme Judicial Council

members to participate in the contest commission every three years. The participants may be proposed more than once.

(9) (new - SG 62/16, in force from 09.08.2016) The members of the contest commission shall have acquired a permanent status and during the latest 5 years they shall not have been imposed any of the disciplinary sanctions under **Art. 308, Para 1, Items 3, 4, 5 or 6** by a decision in force. They shall have a rank equal to or higher than the rank of the announced position. In the contest commission may not participate members of the Supreme Judicial Council and administrative heads.

(10) (new - SG 62/16, in force from 09.08.2016) The participation in the contest commission shall be taken into account in preparing an attestation and in determining the workload of the corresponding judge, prosecutor or investigator.

Art. 190. The announcement under **Art. 189, Para 1** shall be made simultaneously with the announcement of the vacant positions for initial appointment and shall contain the number and type of the positions and the judiciary authorities they concern.

Art. 191. (1) (suppl. – SG 01/11, in force from 04.01.2011; amend. - SG 32/11, in force from 19.04.2011; suppl - SG 62/16, in force from 09.08.2016, suppl. - SG 11/20) A candidate for occupying a position under **Art. 189, Para 1** may be a judge, prosecutor or investigator with the practice under **Art. 164**, required for the announced vacant position and has served at least three year at the occupied position, or at a position of equal rank. If there is no candidate for the position, it shall be occupied as set out in **Art. 178**.

(2) (suppl. – SG 28/16) The candidate shall submit documents to the respective collegium of the Supreme Judicial Council.

(3) (amend. – SG 28/16) The Commission on the and Contests at the respective collegium shall check the documents of all candidates.

(4) The lists of all candidates shall be announced on the site of the Supreme Judicial Council in the internet, where in respect of the candidates not meeting the requirements shall be indicated the grounds thereof.

(5) (new – SG 01/11, in force from 04.01.2011; suppl. – SG 28/16; suppl. - SG 62/16, in force from 09.08.2016) The lists of the persons admitted and not admitted to the contest shall be announced as referred to in Para 4 at least 14 days before the date of the contest. The list of the persons not admitted to participate in the contest shall indicate the grounds for non-admission. Within three days from announcement of the lists the non-admitted candidates may file a written objection with the respective collegium of the Supreme Judicial Council. The act of the corresponding collegium of the Supreme Judicial Council shall be subject to appeal as set out in **Art. 182, Para 6**.

Art. 191a. (new - SG 62/16, in force from 09.08.2016) (1) The contest commission shall rank the candidates for transfer according to the results of the latest attestation and checks by the superior Judiciary authorities and the Inspectorate at the Supreme Judicial Council, the information of their employment file and the assessment of the heard and closed cases and files, selected by the contest commission and provided by the candidates, on the basis of which shall be made a general assessment of the professional qualities of the candidates. In the event of equal grades shall be appointed the judge, prosecutor or investigator with a longer service at the corresponding system of the Judiciary, and in case of equal service at the corresponding system of the Judiciary - the one with longer legal service.

(2) In the cases of **Art. 189, Para 4** the contest commission shall check the knowledge of the candidate for a position in a Judiciary authority of different type by taking a written exam according to a syllabus.

(3) The contest commission shall draw up a protocol of ranking the candidates by a reasoned opinion and shall send the ranking results with the entire contest documentation to the corresponding collegium of the Supreme Judicial Council, which shall adopt a decision in accordance with the sequence of

ranking until filling up the positions. The decision may be appealed as set out in **Art. 187**.

Art. 192. (amend. – SG 01/11, in force from 04.01.2011) (1) (amend. - SG 62/16, in force from 09.08.2016) The contest commission shall rank the candidates for promotion according to the latest attestation results and checks by the superior Judiciary authorities and by the Inspectorate at the Supreme Judicial Council, the information from their employment files and an assessment of the closed cases and files, selected by the contest commission and presented to the candidates, on which basis shall be made an overall assessment of the professional qualities of the candidate. In the event of equal grades shall be appointed the judge, prosecutor or investigator with a longer service at the corresponding system of the Judiciary, and in case of equal service at the corresponding system of the Judiciary - the one with longer legal service.

(2) (new - SG 62/16, in force from 09.08.2016) In the cases of **Art. 189, Para 4** the contest commission shall check the knowledge of the candidate for a position in a Judiciary authority of different type by taking a written exam according to a syllabus.

(3) (prev. text of Para 02 - SG 62/16, in force from 09.08.2016) The contest commission shall draw up a protocol with the ranking of the candidates accompanied by a reasoned opinion.

(4) (amend. – SG 28/16; prev. text of Para 03, amend. - SG 62/16, in force from 09.08.2016) The contest commission shall send the ranking results together with the entire contest documentation to the respective collegium of the Supreme Judicial Council.

(5) (amend. – SG 28/16; prev. text of Para 04 - SG 62/16, in force from 09.08.2016) The Professional Ethics Commission at the respective collegium of the Supreme Judicial Council shall assess the moral qualities of the first three candidates for each position and shall draw up an opinion for each candidate based on the documents provided by the candidate and the documents from the personnel file related to the results from inspections carried out by the Inspectorate at the Supreme Judicial Council, the incentives and penalties, the signals for violation of the professional ethics of the judges, prosecutors and investigators.

(6) (prev. text of Para 05 - SG 62/16, in force from 09.08.2016) The ranking results shall be published on the [website](#) of the Supreme Judicial Council.

Art. 193. (amend. – SG 01/11, in force from 04.01.2011) (1) (amend. – SG 28/16) The ranking results of the candidates together with the entire contest documentation and the opinion of the Professional Ethics Commission at the respective collegium shall be submitted to the Commission on the Attestation and Contests at the respective collegium.

(2) (amend. – SG 28/16) The Commission on the Attestation and Contests at the respective collegium shall submit to that collegium of the Supreme Judicial Council a reasoned proposal for promotion or transfer of the candidates ranked first for the respective positions in the judiciary authorities.

(3) (suppl. – SG 28/16) The respective collegium of the Supreme Judicial Council shall adopt a decision for promotion or transfer of a judge, prosecutor or investigator according to the order of ranking until all positions are occupied.

(4) (suppl. – SG 28/16) When adopting the decision referred to in Para 3 the respective collegium of the Supreme Judicial Council shall check if the first ranked candidate meets the length of service requirements referred to in Art. 164 and has the required professional and moral qualities.

(5) (suppl. – SG 28/16) The respective collegium of the Supreme Judicial Council shall refuse in a decision the appointment of a candidate which has failed to meet the requirements of **Art. 162** and **164**. In such cases shall be appointed the next ranked candidate, who meets the requirements.

(6) (new - SG 62/16, in force from 09.08.2016) Within 9 months from closing the preseding contest proceedings with a decision of the corresponding collegium of the Supreme Judicial Council and at the availability of a vacancy in a Judiciary authority, the corresponding collegium of the Supreme Judicial Council shall adopt a decision for appointment of the next candidate in the ranking of the contest for promotion or for transfer, whose final grade in the contest proceedings is at least very good “5,00”.

(7) (New - SG 11/20) The time frame under Para. 6 shall start to run from the date of the adoption

of the first decision of the respective panel of the Supreme Judicial Council, whereby pursuant to Para. 3 are promoted or relocated the candidates ranked, regardless of any subsequent cancellation of the said decision upon any appeal.

(8) (suppl. – SG 28/16; prev. text of Para 06, suppl. - SG 62/16, in force from 09.08.2016, previous Para. 7 - SG 11/20) The decision of the respective collegium of the Supreme Judicial Council referred to in Para 5 and 6 may be appealed under the conditions and order of Art. **187**.

Art. 194. (1) (amend. - SG 01/11, in force from 04.01.2011; prev. text of Art. 194 – SG 28/16; amend. and suppl. - SG 62/16, in force from 09.08.2016) In cases of closing courts, prosecution authorities and investigation authorities or reducing the number of the occupied positions therein, the corresponding collegium of the Supreme Judicial Council shall open the same positions in another equal of rank judiciary authority within the same appellate region, if possible, and shall re-appoint without contest the judges, prosecutors and investigators.

(2) (new – SG 28/16) Upon mutual consent for exchange of equally ranked positions of judges to another court, of prosecutors – to another prosecution office, and of investigators – to another investigation unit, they shall be transferred without a contest by virtue of a decision of the respective collegium of the Supreme Judicial Council.

Art. 194a. (new - SG 33/09; amend. - SG 01/11, in force from 04.01.2011) (1) (suppl. – SG 28/16) The vacant administrative head positions in the judiciary authorities shall be announced by the respective collegium of the Supreme Judicial Council in a decision, which shall be promulgated in the State Gazette and in the [website](#) of the Supreme Judicial Council, and shall be occupied pursuant to an election.

(2) (suppl. – SG 50/12; amend. - SG 62/16, in force from 09.08.2016) In order to participate in the election the candidates shall file a detailed CV, an outline of their work and other documents, which in their assessment are related to their professional and moral qualities. The Commission on the Attestation and Contests at the respective collegium of the Supreme Judicial Council shall check the documents and shall admit to election the candidates, who meet the requirements of Art. **164** and **Art. 169, Para 1**.

(3) (suppl. – SG 50/12; amend. – SG 28/16; amend. - SG 62/16, in force from 09.08.2016) The names of the candidates shall be announced on the website if the Supreme Judicial Council with a short CV and an outline of their work.

(4) The lists of candidates admitted and non-admitted to the election shall be announced on the internet site of the Supreme Judicial Council at least 14 days before the date of election.

(5) (suppl. – SG 28/16; suppl. - SG 62/16, in force from 09.08.2016) The list of non-admitted to election candidates shall indicate also the grounds for non-admission. Within three days from announcement of the lists the non-admitted candidates may file a written objection with the respective collegium of the Supreme Judicial Council. The decision for non-admission of a candidate to the election shall be subject to appeal as set out in **Art. 182, Para 6**.

(6) (new – SG 50/12; suppl. – SG 28/16; suppl. - SG 62/16, in force from 09.08.2016) No later than 7 days prior to the interview under **Art. 194b**, non-profit legal entities registered to operate in the public interest, higher education institutions and scientific organisations, as well as the professional organisations of the judges, prosecutors and investigators may submit opinions about a candidate to the respective collegium of the Supreme Judicial Council, including questions to be asked. Anonymous opinions and alerts shall not be taken into consideration. The opinions and questions presented shall be published on the website of the Supreme Judicial Council no later than three days from the date of submission. Specific data representing classified information and facts related to personal life of candidates shall not be published.

(7) (new - SG 62/16, in force from 09.08.2016, suppl. - SG 49/18) The candidates for administrative heads of a court shall be heard by the general assembly of the corresponding court. The prosecutors and the investigators at the corresponding prosecution authority may express an opinion of the candidate for an administrative head.

Art. 194b. (new - SG 01/11, in force from 04.01.2011) (1) (suppl. – SG 28/16) The election procedure of administrative heads shall be carried out by the respective collegium of the Supreme Judicial Council by an interview. During the interview the candidate shall be assessed for:

1. (amend. - SG 62/16, in force from 09.08.2016) his professional abilities as a judge, prosecutor or investigator based on the results from the hitherto conducted attestations;

2. his managerial capabilities as an administrative head, for which the candidate shall defend a strategic management concept for the judiciary authority in question;

3. (amend. – SG 28/16) the moral qualities of the candidate based on the reasoned opinion of the Professional Ethics Commission at the respective collegium.

(2) The opinion referred to in Para 1, Item 3 shall be provided to the candidates at least three days before the date of the interview.

(3) (new – SG 50/12; suppl. – SG 28/16) Members of the respective collegium of the Supreme Judicial Council may address questions to the candidate during the discussion on the grounds of the opinions under Art. **194a, para 6**.

(4) (supple. - SG 32/11, in force from 19.04.2011; prev. text of para 03 – SG 50/12; amend. – SG 28/16) The respective collegium of the Supreme Judicial Council shall adopt a decision for appointment of the candidate, who meets the requirements of **Art. 164** and **Art. 169, Para 1**, where the decision shall be adopted also on the basis of the assessment referred to in Para 1, Item 2.

(5) (prev. text of para 4, amend. – SG 50/12; suppl. – SG 28/16) The decision of the respective collegium of the Supreme Judicial Council referred to in Para 4 may be appealed under the conditions and order of **Art. 187**.

Art. 194c. (new - SG 01/11, in force from 04.01.2011; declared non-constitutional in DCC No 10/11 – SG 93/11) **The procedure of conducting contests and elections under Sections II and IIa and for the composition of the contest commissions shall be determined in an ordinance of the Supreme Judicial Council, which shall be promulgated in the State Gazette.**

Art. 194d. (new - SG 62/16, in force from 09.08.2016) The procedure of conducting contests and election under Sections II and Iia and of the composition of the contest commissions shall be determined in an ordinance of the plenum of the Supreme Judicial Council.

Section III. Incompatibility

Art. 195. While holding their office, any judge, prosecutor or investigator may not:

1. be a national representative, mayor or municipal councillor;

2. (amend. – SG 17/13; amend. – SG 19/14, in force from 05.03.2014, suppl. - SG 103/20) occupy a position in state authorities, municipal authorities, or in European Union institutions, with the exception of the European Delegated Prosecutor;

3. (suppl. - SG 01/11, in force from 04.01.2011, amend. and suppl. - SG 65/17) exercise commercial activity in any form, including personally, by using a front and/or with an explicit and / or hidden agent, or be a partner, manager or participate in supervisory, managing councils or councils of directors or in control bodies of companies, cooperations or non-profit legal persons, exercising commercial activity, except for the professional associations in which they are members of;

4. (suppl. - SG 25/09, in force from 03.04.2009; suppl. - SG 33/09; amend. - SG 01/11, in force from 04.01.2011, amend. - SG 39/16, in force from 26.05.2016, amend. - SG 65/17) get remuneration for performing activities under contracts or other relationship with a state, municipal or public organizations, companies, cooperatives, non-profit legal persons, natural persons or sole entrepreneurs, or to exercise liberal profession or other paid professional activity;

5. (revoked - SG 65/17)

6. participate in political parties or coalitions, in organizations with political purposes, to carry out political activity, as well as to participate in organizations or perform activities affecting their independence;

7. be a member of a syndicate organization outside the judiciary system.

(2) (New - SG 65/17) A judge, a prosecutor and an investigating magistrate may, while in office, also receive remuneration for:

1. carrying out scientific and teaching activities or the exercise of copyright;

2. participation in European and international programs and projects;

3. participation in the drafting of normative acts assigned by the National Assembly, the Supreme Judicial Council or by executive bodies;

4. (new - SG 103/20) performing functions of European Delegated Prosecutor under Regulation (EU) 2017/1939.

(3) (new - SG 01/11, in force from 04.01.2011; amend. – SG 19/14, in force from 05.03.2014, prev. Para. 2, amend. - SG 65/17) The magistrates, the prosecutors and investigators may not be members of election commissions in the conduct of elections of National Representatives, 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) (prev. text of Para 02, amend. and suppl. - SG 01/11, in force from 04.01.2011; suppl. – SG 52/13, in force from 14.06.2013; suppl. – SG 70/13, in force from 09.08.2013; suppl. – SG 28/16; amend. - SG 62/16, in force from 09.08.2016, prev. Para. 3, amend. - SG 65/17, suppl. - SG 103/20, amend. – SG, 32/22, in force from 26.04.2022) In case of abandoning their positions, the persons under Para 1, Item 1, the judges of the Constitutional Court, the European Prosecutor, the ministers or the deputy ministers, the Chairman or the Deputy Chairmen of State Agency for National Security, the members of the National bureau for control of special intelligent means who have submitted an application to the respective collegium of the Supreme Judicial Council within 14 days from the date of their dismissal, shall be restored in the occupied before the election post of a judge, prosecutor or investigator in the judiciary authorities, where the time of occupying the respective position shall be counted for a practice under **Art. 164, Para 1 – 7.**

Art. 195a. (new - SG 62/16, in force from 09.08.2016) (1) Every judge, prosecutor or investigator, the members of the Supreme Judicial Council, the Chief Inspector and the inspectors of the Inspectorate at the Supreme Judicial Council, within one month from taking office, shall file with the corresponding collegium of the Supreme Judicial Council a declaration of all their activities and memberships in organisations, including secret and/or informal organisations and societies, non-profit legal persons and civil law persons or unions, in accordance with a sample, approved by the Supreme Judicial Council. Upon a change shall be filed a declaration of amending the declared circumstances within one month from the occurrence of the change.

(2) (New - SG 11/20) Judges, prosecutors and investigating magistrates shall not declare the membership in the organizations as per Art. 217.

(3) (Previous Para. 2 - SG 11/20) The collegia of the Supreme Judicial Council shall keep a public register of the declarations under Para 1.

Art. 195b. (new - SG 62/16, in force from 09.08.2016) Upon finding incompatibility, the Professional Ethics Commission shall draw up a reasoned conclusion, which shall be sent to the corresponding collegium of the Supreme Judicial Council.

Section IV.

Attestation. Non-dismissibility

Art. 196. (1) (Amend. - SG 01/11, in force from 04.01.2011; amend. - SG 62/16, in force from 09.08.2016, previous text of Art. 196 - SG 11/20) Attestation shall be performed:

1. (amend. - SG 11/20) in advance - for a period of three years from the appointment to the position of judge, prosecutor or investigator - when participating in a contest or upon a promotion proposal;
2. in order to obtain permanence - when completing 5 years of work experience as a judge, prosecutor or investigator;
3. (amend. - SG 11/20) periodically - for a 5-year period from the appraisal for permanence of a judge, prosecutor and investigator, of an administrative head and of a deputy administrative head;
4. exceptionally - in the cases of **Art. 197, Para 5**.

(2) (New - SG 11/20) Junior judges, junior prosecutors and junior investigators shall not be appraised in advance, and for their work shall be prepared a report by the mentor, in the second year after their appointment.

Art. 197. (amend. - SG 01/11, in force from 04.01.2011) (1) (amend. - SG 62/16, in force from 09.08.2016) The preliminary attestation shall have the objective to assess the qualities and the professional competence of the judges, prosecutors and investigators after their appointment to office, as well as the compliance with the rules of the corresponding code of ethics. It shall be carried out in accordance with the criteria set out in this Act and the ordinance referred to in **Art. 209b**.

(2) (amend. - SG 62/16, in force from 09.08.2016, repealed - SG 11/20)

(3) (new - SG 62/16, in force from 09.08.2016, suppl. - SG 11/20) The attestation for a permanent status shall have the objective to assess the professional qualification and the compliance with the rules of the corresponding code of ethics following 5 years of service as a judge, prosecutor or investigator. The attestation for permanence shall also take into account the results of the preliminary attestation of a judge, prosecutor or investigator in the cases where attestation has been done in advance.

(4) (new - SG 62/16, in force from 09.08.2016) The periodical attestation shall be an assessment of the professional competence, the working skills and the compliance with the rules of the corresponding code of ethics by a judge, prosecutor or investigator, by an administrative head or a deputy administrative head for a period of 5 years. The attestation shall be performed on the basis of the criteria and indices set out in this Act and the ordinance under **Art. 209b**.

(5) (new - SG 62/16, in force from 09.08.2016, amend. - SG 49/18) The exceptional attestation shall be performed after the end of the periodical attestation, if from the latest periodical attestation have expired 5 years and in the following cases:

1. where a judge, prosecutor or investigator participates in a contest for promotion or transfer;
2. where a judge, prosecutor or investigator participates in an election for an administrative head;
3. upon a reasoned proposal by the Inspectorate at the Supreme Judicial Council or of the corresponding administrative head, where there is information of lasting deterioration of the work quality or failure to comply with the ethical rules by a judge, prosecutor or investigator;
4. (suppl. - SG 11/20) in all other cases - at the request of the judge, prosecutor or investigator, where there is a legal interest.

(6) (suppl. – SG 28/16; prev. text of Para 03 - SG 62/16, in force from 09.08.2016) On the basis of the attestation shall be made a complex assessment, which shall be adopted by the respective collegium of the Supreme Judicial Council.

(7) (new - SG 49/18, repealed - SG 11/20)

Art. 198. (amend. - SG 01/11, in force from 04.01.2011) (1) The criteria for attestation of a judge, prosecutor or investigator shall be:

1. legal competence and capabilities to implement it;
2. capabilities of analysis of the legally relevant facts;
3. capabilities of optimal organisation of the work;
4. expediency and discipline;
5. (new - SG 62/16, in force from 09.08.2016) compliance with the rules of ethical behaviour.

(2) During the attestation under Para 1 shall be taken into account indices, such as:

1. observation of the terms;
2. number of confirmed and overturned acts and the grounds thereof;
3. results of the inspections of the Inspectorate at the Supreme Judicial Council;
4. overall workload of the corresponding judicial region and judiciary authority, as well as the workload of the attested judge, prosecutor or investigator in comparison to the rest of the judges, prosecutors or investigators of the same judiciary authority.

(3) (revoked - SG 62/16, in force from 09.08.2016)

(4) The period of attestation shall include also the time served as a judge, prosecutor or investigator as a permanent lecturer at the National Institute of Justice. The assessment of the work as a lecturer shall be made by the management board.

(5) (New - SG 103/20) The period of attestation shall also include the time served by the judge, prosecutor and investigator as a European Delegated Prosecutor. The assessment of the results of their work under Regulation (EU) 2017/1939 shall become part of their certification.

Art. 199. (1) The specific criteria for attestation of a judge shall be:

1. observation of the schedule of conducting judicial sessions;
2. skill of leading the judicial sessions and drafting the protocols;
3. (new - SG 62/16, in force from 09.08.2016) administration of cases and appeals, preparation for a court hearing;
4. (new - SG 62/16, in force from 09.08.2016) number of non-appealed judicial acts of those subject to appeal; confirmed appealed judicial acts; revoked or annulled judicial acts, fully or partially, and the grounds thereof; assessed should be the capabilities of motivation, reasoning and analysis of the evidence.

(2) The specific criteria for attestation of a prosecutor shall be:

1. the skills for planning and structuring the operations in the pre-judicial and judicial proceedings;
2. performance of the written instructions and orders of the higher prosecutor;
3. capability of organizing the work and management of the investigation authorities and the teams, participating in the pre-judicial proceedings;
4. (new - SG 62/16, in force from 09.08.2016) number of non-appealed prosecutors' acts, including decrees for termination and suspension of penal proceedings, the number of final judicial acts, issued further to acts deposited by the attested prosecutor, as well as the final judicial acts for referring cases back for remedying procedural violations, and the reasons thereof, the number of granted protests, the confirmed, amended and revoked prosecutors' acts in the instances and ex officio control.

(3) The specific criteria for attestation of an investigator shall be:

1. the skills for planning and structuring the operations in the pre-judicial proceedings;
2. performance of the written instructions and orders of the prosecutor;
3. (new - SG 62/16, in force from 09.08.2016) the conformity of the acts of the prosecutor with the opinion of the investigator after the finalisation of the investigation and the cases referred back for further investigation.

Art. 200. (1) The attestation of an administrative head or a deputy of an administrative head shall comprise the assessment of his competence as a judge, prosecutor or investigator and the assessment for occupying a leading position.

(2) The assessment of the competence shall be carried out on the basis of the general and specific criteria for a judge, prosecutor or investigator.

(3) (suppl. – SG 28/16) On the basis of the attestation shall be made a complex assessment, which shall be adopted by the respective collegium of the Supreme Judicial Council.

Art. 201. (amend - SG 01/11, in force from 04.01.2011) (1) The assessment criteria for assuming a head position shall be:

1. ability to work in a team and distribution of the tasks in it;
2. decision making ability;
3. presentability;
4. capability to communicate with other state authorities, citizen and legal persons;
5. (new - SG 62/16, in force from 09.08.2016) professional competence.

(2) The assessment of the capacity to occupy a managerial position shall be performed on the basis of the criteria for occupying a managerial position and the indicators for occupying a managerial position, determined by the ordinance under **Art. 209a**.

(3) The assessment of the professional qualification shall be carried out on the basis of the criteria for assessment of a judge, prosecutor or investigator.

Art. 202. (Revoked - SG 1/11, in force from 04.01.2011)

Art. 203. (amend. – SG 1/11 in force from 04.01.2011) (1) (new - SG 62/16, in force from 09.08.2016, repealed - SG 11/20)

(2) (New– SG 62/16, in force from 09.08.2016, repealed - SG 11/20)

(3) (Prev. text of Para 01 – SG 62/16, in force from 09.08.2016) Attestation shall began upon suggestion of the interested judge, prosecutor or investigator, or the administrative head of the respective body of the judiciary.

(4) (Amend. – SG 28/16; prev. text of Para 2, suppl. – SG 62/16, in force from 09.08.2016, amend. - SG 11/20) The proposal for attestation to obtain permanence and for periodic attestation shall be made before the Commission on the Attestation and Contests at the respective collegium of the Supreme Judicial Council not earlier than one month before the expiry of the 5-year period.

(5) (Amend. – SG 28/16; prev. text of Para 3, amend. – SG 62/16, in force from 09.08.2016, repealed - SG 11/20)

(6) (New – SG 62/16, in force from 09.08.2016) The attestation for permanent status shall involve assessment of the professional development of the judge, prosecutor or investigator, including on the basis of individual plans for professional development. Based on this assessment, the attestation may provide for an additional career development plan.

Art. 203a. (New - SG 11/20) (1) The auxiliary committees of attestation, participating in the attestation of judges, shall be as follows:

1. when attesting a district judge, administrative head and deputy-administrative head of a district court - an auxiliary committee of attestation in the respective regional court, and when attesting a judge from the Sofia regional court, an administrative head and a deputy-administrative head of the Sofia regional court - an auxiliary committee of attestation at Sofia City Court;

2. when attesting a district judge, a judge of the Sofia City Court, of an administrative head and a deputy-administrative head of a district court and of the Sofia City Court - an auxiliary committee of attestation in the respective appellate court;

3. (repealed – SG, 32/22, in force from 27.07.2022);

4. upon attestation of an administrative judge, an administrative head and a deputy-administrative head of an administrative court - an auxiliary attestation committee in the Supreme Administrative Court;

5. upon attestation of a judge in a military court, an administrative head and a deputy-administrative head of a military court - an auxiliary attestation committee in the Military court of appeal;

6. (amend. – SG, 32/22, in force from 27.07.2022) in case of appraisal of a judge of appeal and a judge of the Court of Military Appeal, an administrative head and a deputy administrative head of a court of appeal and of the Court of Military Appeal - an assistant appraisal commission at the Supreme Court of

Cassation.

(2) The auxiliary committees of attestation shall submit to the Committee on attestation and contests at the judicial college of the Supreme Judicial Council a proposal for a comprehensive evaluation of the attestation performed.

(3) The powers and rules of operation of the auxiliary attestation committees shall be determined by the plenum of the Supreme judicial council with the ordinance under Art. **209b**.

Art. 204. (amend. – SG 01/11, in force from 04.01.2011; amend. – SG 62/16, in force from 09.08.2016) (1) The attestation activities of the Commission on the Attestation and Contests at the prosecutors collegium at the Supreme Judicial Council shall be supported by permanent attestation commissions at the appellate prosecution authorities.

(2) (Amend. - SG 11/20) The permanent attestation commissions shall support the attestation of the prosecutors at a district prosecution authority and the prosecutors at a regional prosecution authority within the corresponding appellate region.

(3) The members of the permanent attestation commissions shall be elected by the assembly of the prosecutors at the corresponding appellate prosecution authority and the assemblies of the prosecutors at the regional prosecution authorities in the same appellate region among the prosecutors at the corresponding appellate prosecution authority.

(4) The number of the members, their competences and the rules of the activity of the permanent attestation commissions shall be set out in the ordinance under Art. 209b by the plenum of the Supreme Judicial Council. Every commission shall elect a chairman among its members.

(5) As members of the permanent attestation commissions may be elected prosecutors with high professional and moral qualities, with a permanent status, with a positive assessment “very good” from the latest periodical attestation, who have not been imposed any of the disciplinary sanctions under **Art. 308, Para 1, Items 3, 4, 5 or 6** by a decision in force during the most recent 5 years.

(6) The mandate of the members of the permanent attestation commissions shall be two years. They cannot be elected for more than two consequent mandates.

(7) For the period under Para 6 the prosecutor participating in the permanent attestation commission shall work under reduced workload and his participation in the permanent attestation commission shall be taken into account at his attestation.

(8) The permanent attestation commissions shall extend to the Commission on the Attestation and Contests at the prosecutors collegium of the Supreme Judicial Council a proposal for complex assessment during the attestation of a prosecutor.

Art. 204a. (new – SG 01/11, in force from 04.01.2011) (1) (amend. – SG 28/16; amend. - SG 62/16, in force from 09.08.2016, suppl. - SG 11/20) At the attestation, the auxiliary and permanent attestation commissions and the Commission on the Attestation and Contests at the respective collegium shall check the registries, the protocols of the procedural acts carried out by the judges, prosecutors and investigators and their acts for the period of attestation.

(2) (amend. – SG 28/16; amend. - SG 62/16, in force from 09.08.2016, suppl. - SG 11/20) For the purposes of attestation, the auxiliary and permanent attestation commissions and the Commission on the Attestation and Contests may invite the attested to a hearing, as well as collect additional information about the attestation criteria.

(3) (amend. – SG 28/16; suppl. - SG 62/16, in force from 09.08.2016) After the attestation the Commission on the Attestation and Contests at the respective collegium shall draw up a complex assessment, which may be positive or negative. The levels of the positive complex assessment in ascending order shall be:

1. decent;
2. good;

3. very good.

(4) The complex assessment shall be reasoned and shall contain recommendations to the attested person.

(5) (new - SG 62/16, in force from 09.08.2016, amend. - SG 11/20) In case of specific needs or necessity to improve the professional skills of a judge, prosecutor or investigator under attestation, discovered in the course of the attestation procedure, on his own initiative, or at the proposal of the auxiliary or standing attestation committees, or ex officio, the Committee on attestation and contests at the relevant collegium of the Supreme Judicial Council shall develop and implement - with the attested person's participation - individual plans for his professional development, the implementation of which is to be assisted by the National Institute of Justice.

Art. 205. (amend. – SG 01/11, in force from 04.01.2011) (1) (amend. and suppl. – SG 28/16) The Commission on the Attestation and Contests at the respective collegium shall provide to the attested person the complex assessment referred to in **Art. 204a, Para 3**, who may file a written objection with the respective collegium of the Supreme Judicial Council.

(2) (amend. – SG 28/16, amend. – SG, 29/19) Where an objection has been filed, the respective collegium of the Supreme Judicial Council shall hear the attested magistrate, who has submitted the objection, and he shall be notified at least 7 days before the date of the hearing.

(3) (amend. – SG 28/16, amend. – SG, 29/19, amend. - SG 11/20) The Committee on attestation and contests at the respective collegium of the Supreme Judicial Council shall express a written opinion on the objection and if needed – shall collect additional information.

(4) (New, SG, 62/16, amend., SG, 20/16, amend., SG, 20/19, amend. - SG 11/20) The relevant collegium of the Supreme Judicial Council shall, after assessing all the circumstances:

1. accept the proposed comprehensive evaluation;

2. accept a new comprehensive evaluation:

3. return the file to the respective committee on attestation and contests in case of incomplete or inaccurate facts, where additional information is needed.

(5) (new - SG 29/19) The decision of the corresponding collegium, with which the proposed comprehensive assessment of the attestation, or a new comprehensive assessment is accepted shall be subject to appeal before the three panel of the Supreme Administrative Court. The decision of the court shall be final.

Art. 206. (1) (Amend. – SG 01/11, in force from 04.01.2011; suppl. – SG 28/16, previous text of Art. 206, amend. - SG 11/20) The comprehensive evaluation from the attestation and the recommendations towards the attested shall be adopted in a decision of the respective collegium of the Supreme Judicial Council.

(2) (New - SG 11/20) In cases where the comprehensive evaluation of the attestation to obtain permanence is negative, the respective collegium of the Supreme Judicial Council shall by decision refuse the acquisition of such status and the attested person shall be dismissed from office.

Art. 207. (amend. – SG 01/11, in force from 04.01.2011) (1) A judge, prosecutor or investigator shall become non-dismissible after completion of a five-year service on the position and a positive attestation assessment.

(2) (amend. - SG 62/16, in force from 09.08.2016) The practice for obtaining non-dismissibility shall include also the time as a junior judge, junior prosecutor or junior investigator.

Art. 208. (*) (revoked - SG 33/09)

Art. 209. (amend. – SG 01/11, in force from 04.01.2011, repealed - SG 11/20)

Art. 209a. (new - SG 33/09; amend. - SG 01/11, in force from 04.01.2011; declared non-constitutional in DCC No 10/11 – SG 93/11) **The Supreme Judicial Council shall adopt an ordinance on the indicators and methodology for attestation of judges, prosecutors and investigators and of administrative heads and deputy administrative heads, as well as on the attestation procedure. The ordinance shall determine also the criteria for determining the work-load level of the judiciary authorities. The ordinance shall be promulgated in the State Gazette.**

Art. 209b. (new - SG 62/16, in force from 09.08.2016) The plenum of the Supreme Judicial Council at the proposal of the corresponding collegium shall adopt an ordinance on the indices and methodology on the attestation and the criteria of measuring the workload of judges, prosecutors and investigators and of the administrative heads and their deputies, as well as the order of conducting the attestation.

Section V. Rights and Duties

Art. 210. The judges, prosecutors and investigators shall be obliged:

1. to decide on the cases or files distributed to them within the specified term;
2. to participate in the sessions of the general assembly of the relevant judiciary authority;
3. when necessary, to perform their official duties overtime;
4. to perform other duties, related to their office, assigned to them by the administrative head.

Art. 211. (1) The judges and the jurors shall be obliged to keep the secret of deliberation when deciding cases.

(2) The judges, prosecutors and investigators shall be obliged to keep as official secret the information learned by them in relation to their duties and concerns the interests of the citizens, the legal persons and the state.

Art. 212. The judges, jurors, prosecutors and investigators shall not be allowed to express preliminary opinion on the cases assigned to them, as well as on cases not assigned to them.

Art. 213. A judge, prosecutor and investigator shall not be entitled to provide legal consultations.

Art. 214. (revoked. – SG 20/12, in force from 10.06.2012, new - SG 11/20) Judges, prosecutors and investigating magistrates may not, in the course of or relating to their official functions, be defendants in administrative proceedings, except as provided by law.

Art. 215. When exercising their functions, the judges, prosecutors and investigators may request assistance from all state authorities, officials, legal persons and citizens, which shall be obliged to render such assistance.

Art. 216. (1) The state shall protect the judges, prosecutors and investigators when performing their official duties and shall compensate them for damages, incurred by them during or in relation to the performance of their official functions. The amount of the compensation shall be calculated as the difference between the actual amount of damages and the amount of the compulsory insurance.

(2) (new - SG 62/16, in force from 09.08.2016) The state shall protect the jurors in performance of their functions.

(3) (prev. text of Para 02 - SG 62/16, in force from 09.08.2016) The state shall compensate under the conditions of Para 1 also the damages, caused to their spouses, ascending or descending relatives, in

relation to the performance of the official duties of the judges, prosecutors and investigators.

Art. 217. (amend. - SG 65/17) (1) Judges, prosecutors and investigating magistrates may freely form and be members of organizations that protect their professional interests. These organizations can not join federations and confederations of trade union organizations of workers and employees.

(2) The organizations under para. 1 shall acquire the status of legal entity after their entry under the procedure established for the registration of non-profit associations. Only judges, prosecutors and investigators can become founders and members.

(3) A Partnership Council shall be established at the Supreme Judicial Council. The Council shall consist of three elected members of the Supreme Judicial Council appointed by the plenum, of representatives of each of the organizations referred to in paragraph 1, whose membership is not less than 5 per cent of the respective number of judges, prosecutors and investigators, as well as of representatives of judges, prosecutors and investigators who are not members of such organizations.

(4) The Council shall conduct a dialogue on all matters related to the professional interests of judges, prosecutors and investigators.

(5) The organization and the activity of the Partnership Council shall be determined by an ordinance of the plenum of the Supreme Judicial Council.

Art. 218. (1) The Chairmen of the Supreme Court of Cassation and the Supreme Administrative Court, the Chief Prosecutor and the Director of the National Investigation Service shall be entitled to a basic monthly salary, amounting to 90 percent of the salary of the Chairman of the Constitutional Court.

(2) The basic monthly salary of the lowest judge, prosecutor and investigator position shall be determined as double the amount of the average salary of the persons employed in the budget sphere according to the information from the National Statistical Institute.

(3) (suppl. – SG 28/16) The salaries for the rest of the positions in the judicial authorities shall be determined by the plenum of the Supreme Judicial Council.

Art. 219. Except the basic monthly salary the judges, prosecutors and investigators shall be paid additional salary for continuous service as a judge, prosecutor or investigator based in amount of 2 percent for every year of service, but no more than 40 percent.

Art. 220. The additional salary for extraordinary work of a judge, prosecutor and investigator shall be paid only for performance of official duties during holidays and the days for rest.

Art. 221. The judges, prosecutors and investigators shall annually receive payments for gowns or clothes amounting to two average monthly salaries of the persons employed in the budget sphere.

Art. 222. In case of promotion or transfer of a judge, prosecutor or investigator in the judiciary authorities compensations shall not be paid.

Art. 223. While occupying their position, the judges, prosecutors and investigators may use housing from the housing fund of the judiciary authorities.

Art. 224. (1) The compulsory social and health insurance of the judges, prosecutors and investigators shall be performed at the expense of the budget of the judiciary.

(2) The judges, prosecutors and investigators shall be obligatorily insured against accident at the expense of the budget of the judiciary.

Art. 225. (1) (Amend. - SG 11/20) In case of dismissal, every judge, prosecutor or investigator with

more than 10 years of practice on such position shall be entitled to a pecuniary compensation amounting to as many gross monthly salaries as the number of years served in the judiciary authorities, but not more than 20.

(2) (suppl. – SG 103/09, in force from 29.12.2009, suppl. - SG 49/18) The compensation under Para 1 shall not be paid in the cases under **Art. 165, Para 1m Item 3 and 5**, as well as where the overall assessment of the last attestation of the judge, prosecutor or investigator is negative. Compensation shall not be payable also in cases under **Art. 308, par. 3**, as well as when a judge, prosecutor or investigator resigns when the disciplinary proceedings is brought against him/her with a proposal for punishment – disciplinary discharging from the office.

(3) In the cases, where a judge, prosecutor or investigator is accused for commitment of a deliberate crime or disciplinary proceedings have been initiated in respect of him, the compensation shall not be paid until the conclusion of the criminal or disciplinary procedure.

(4) (Amend. - SG 11/20, amend. and suppl. – SG, 32/22, in force from 26.04.2022) In case of subsequent dismissal, the judge, prosecutor and investigator, shall receive compensation in the amount of the difference between the amount of the compensation received under Para. 1 and the amount of compensation determined at the date of subsequent dismissal.

(5) In case of death of a judge, prosecutor or investigator the compensation under Para 1 shall be paid to his heirs.

(6) (New - SG 11/20) The procedure and method of calculating the compensations shall be determined with a decision of the Supreme Judicial Council.

Art. 226. Upon their reinstatement any illegally dismissed judge, prosecutor or investigator shall be entitled to compensation amounting to their gross salary for the time they have not occupied the relevant position, but for 6 months at most. When they have been appointed to another position with lower salary or have received remuneration for another job in a lower amount, they shall be entitled to the difference of the salaries or the difference of the salary and the remuneration. The gross salary for determining the compensation shall be the gross salary assigned to them at the moment of declaring that dismissal is illegal or their failure to appear in order to assume the position.

Art. 227. (amend. - SG 62/16, in force from 09.08.2016) (1) A judge, prosecutor or investigator may be commissioned, where necessary, for a period of up to 12 months with his consent in advance. In exceptional cases he may be commissioned without his consent for a period of up to three months. He may not be commissioned twice to the same judiciary authority.

(2) (New - SG 90/17) Paragraph 1 shall not apply when a judge, prosecutor or investigator is seconded to a vacant permanent position.

(3) (Previous para. 2 – SG 90/17) Where it is not possible to form a panel to consider a case, judges shall be commissioned to consider this particular case until its finalisation at the corresponding instance in compliance with the general rules and the principle of random selection through electronic distribution.

(4) (Previous para. 3 – SG 90/17) Pregnant women and mothers with children of up to three years of age may not be commissioned without their preliminary consent in writing.

(5) (Previous para. 4 – SG 90/17) For the duration a judge, prosecutor or investigator was commissioned to a position higher than the position occupied by them, they shall be entitled to the relevant higher salary.

(6) (Previous para. 5 – SG 90/17) The authority, where the magistrate has been appointed, shall pay the salary for the basic position, to which he has been appointed, as well as the difference to the higher rank salary and the higher position, to which he has been commissioned.

(7) (Previous para. 6 – SG 90/17) The commissioning of a judge, prosecutor or investigator shall be made after assessment of the held rank for the position, to which he is commissioned, his professional service and experience, the assessment from attestation and the opinion of his direct administrative head.

(8) (Previous para. 7 – SG 90/17) For each commissioning shall be issued an order with reasons about official necessity of the commissioned judge, prosecutor or investigator.

(9) (Previous para. 8 – SG 90/17) Where the applicable law requires permanence of the panel, the judge shall continue participating in the cases of the court, in which he works, and after the end of the commissioning he shall finalise also the cases in the court, to which he has been commissioned.

Art. 227a. (new - SG 62/16, in force from 09.08.2016) (1) A judge, prosecutor or investigator may be commissioned by the corresponding collegium of the Supreme Judicial Council to a position under **Art. 164, Para 9** with his written consent.

(2) The position, the term of commissioning and the remuneration shall be determined in an agreement between the Supreme Judicial Council and the institution referred to in Para 1.

(3) In the cases of Para 1 the commissioned judge, prosecutor or investigator shall inform in writing every six months the Supreme Judicial Council of the activities performed by him, and shall present a report upon their finalisation.

(4) Where the term of commissioning under Para 1 exceeds one calendar year, the payroll position held by the commissioned judge, prosecutor or investigator shall be vacated. Upon expiry of the term of commissioning the person shall be restored to the occupied payroll position in the same judiciary authority.

Art. 228. (revoked - SG 62/16, in force from 01.01.2017)

Art. 229. In respect of the questions not regulated in this Section shall apply the **Labour Code**.

Section VI. Temporary Removal from Office

Art. 230. (Amend. - SG 90/17, amend. - SG 11/20) (1) Where a judge, prosecutor or investigating magistrate is prosecuted for a premeditated criminal offense of a general nature, the relevant collegium of the Supreme Judicial Council may remove him from office until the completion of criminal proceedings. The Prosecutor General, on a proposal from the supervising prosecutor, shall make a reasoned request for temporary dismissal, attaching to it sufficient information.

(2) The respective collegium shall submit to the judge, prosecutor or investigator a copy of the request under Para. 1 not later than 7 days before the meeting, at which it is to be considered, giving him or her an opportunity to be heard or to give a written statement before taking a decision.

(3) The collegium shall rule within 14 days from receipt of the request under Para. 1 with a reasoned decision, which is subject to appeal in accordance with Art. **323**.

(4) The term of temporary dismissal from office in the pre-trial phase of the criminal proceedings may not exceed the term under **Art. 234, Para. 8 of the Penal-Procedure Code**. On its expiry, whether or not the criminal proceedings have been stayed, the dismissed judge, prosecutor or investigator may request a reinstatement at the position previously held. The decision shall be subject to appeal by the order of Art. **323**.

(5) For the period of temporary dismissal from office of the judge, prosecutor and investigator, a remuneration shall be paid investigator manencee of the attestation procedurein the amount of the minimum salary.

(6) In the event of a change in the circumstances before the completion of the criminal proceedings, the dismissed judge, prosecutor or investigator may request the respective collegium of the Supreme Judicial Council to reinstate him to his position. The decision shall be subject to appeal by the order of Art. 323.

(7) When a measure of remand in custody or house arrest has been issued in respect of a judge, prosecutor or investigator in connection with a charge of premeditated criminal offense of a general nature, he shall be considered suspended from office from the date of entry into force of the judicial act that passes the measure. The authority issuing the restraining order shall immediately inform the relevant collegium of

the Supreme Judicial Council.

(8) In case of cancellation or amendment of the restraining order into a lighter one from those specified in Para. 7, within three days after the cancellation or amendment, the Prosecutor General may, on a proposal by the supervising prosecutor, make a reasoned request for continuation of the temporary dismissal, if the term under Para. 4, sentence one has not expired. The request shall be considered by the respective collegium of the Supreme Judicial Council pursuant to Para. 1 - 3 within 14 days of its receipt. If the request of the Prosecutor General is not granted, the Judge, prosecutor or investigator shall be reinstated as of the date of the decision of the respective collegium of the Supreme Judicial Council.

(9) In all cases, the total time limit of dismissal in the pre-trial phase of the criminal proceedings under Para. 7 and 8 may not be longer than that of Para. 4.

Art. 231. (1) (suppl. - SG 33/09; prev. text of Art. 231, suppl. - SG 62/16, in force from 09.08.2016, amend. - SG 90/17, amend. - SG 11/20) In case of termination of the criminal proceedings, except in cases under **Art. 24, Para. 1, items 2 and 3 and Para. 3** of the Penal Procedure Code, or judgement of acquittal has been ruled, the judge, prosecutor or investigator, who has been temporarily removed from office, shall be reinstated and shall be paid the difference between the received remuneration under **Art. 230, Para 5** and the full amount of the salary for the period of removal.

(2) (new - SG 62/16, in force from 09.08.2016, amend. - SG 90/17, amend. - SG 11/20) In case of sentencing by a judgment in force, which is a basis for dismissal pursuant to **Art. 129, Para 3, Item 3 of the Constitution**, the judge, prosecutor or investigator shall refund to the budget of the corresponding Judiciary authority the received remuneration under **Art. 230, Para 5**.

Art. 232. (suppl. - SG 103/09, in force from 29.12.2009; amend. - SG 62/16, in force from 09.08.2016) In case disciplinary proceedings have been initiated for imposition of disciplinary dismissal of office penalty on an elective member of the Supreme Judicial Council, judge, prosecutor, administrative head or deputy of an administrative head, the corresponding collegium of the Supreme Judicial Council may displace them of office for up to 6 months upon proposal of the disciplinary panel.

Section VII.

Ranks. Promotion on Spot. Seniority

Art. 233. (1) The ranks of a judge, prosecutor or investigator in ascending order shall be:

1. (amend. - SG 33/09; amend. - SG 01/11, in force from 04.01.2011) judge in a regional court and prosecutor in a regional prosecution authority;
2. judge in an appellate court, prosecutor in an appellate prosecution authority;
3. judge in the Supreme Court of Cassation and in the Supreme Administrative Court, prosecutor in the Supreme Prosecution Authority of Cassation and in the Supreme Administrative Prosecution Authority and investigator in the National Investigation Service.

(2) (suppl. - SG 33/09; suppl. - SG 01/11, in force from 04.01.2011, suppl. - SG 11/20, amend. - SG, 32/22, in force from 27.07.2022) The judges in the Sofia City Court, in the Administrative Court - Sofia Region and in the Administrative Court - Sofia City shall have the rank of a judge in a court of appeal, and the judges in the Sofia regional court shall have the rank of a judge in a district court.

(3) (suppl. - SG 01/11, in force from 04.01.2011, amend. - SG, 32/22, in force from 27.07.2022) Prosecutors in the City Prosecutor's Office in Sofia shall have the rank of a prosecutor in an appellate prosecutor's office, and prosecutors in the regional prosecutor's office in Sofia shall have the rank of a prosecutor in a district prosecutor's office.

(4) (new - SG 01/11, in force from 04.01.2011, repealed - SG, 32/22, in force from 27.07.2022)

(5) (new - SG 01/11, in force from 04.01.2011, repealed - SG, 32/22, in force from 27.07.2022)

(6) (new - SG 01/11, in force from 04.01.2011, amend. and suppl. - SG 90/17, in force from

01.01.2018, amend. - SG, 32/22, in force from 27.07.2022) The Supreme Judicial Council shall determine the additional remuneration of a judge, prosecutor or investigator on the basis of the workload of the respective judicial authority.

Art. 234. (amend. - SG 01/11, in force from 04.01.2011; amend. - SG 62/16, in force from 09.08.2016) The promotion on spot into a higher rank and respectively of the salary of a judge, prosecutor or investigator may be done for obtaining a positive complex grade "very good" from the latest attestation, if they have served on the relevant or equal position for at least three years and have the legal service required under **Art. 164** for occupying the position corresponding to the higher rank.

Art. 235. (amend. - SG 62/16, in force from 09.08.2016) The promotion on spot shall be done according to the ranks of a judge, prosecutor or investigator.

Art. 236. Except in case of dismissal resulting of entry into force of a judgement of imposition of a deprivation of liberty penalty for a deliberate crime or a disciplinary penalty disciplinary dismissal of office, the dismissed judge prosecutor or investigator shall keep its rank before the dismissal for any subsequent appointment.

Art. 237. (amend. - SG 01/11, in force from 04.01.2011) The seniority of a judge, prosecutor and investigator shall be determined:

1. by his position in the court, prosecution authority or investigation authority;
2. (amend. – SG, 32/22, in force from 27.07.2022) in case of equal positions – by the rank under **Art. 233, Para. 1 – 3**;
3. in case of equal positions and ranks – by the length of service in the same position;
4. in case of equal length of service in the same position – by the length of service in other positions as a judge, prosecutor or investigator.

(2) (Amend. – SG, 32/22, in force from 27.07.2022) The seniority of military judges, prosecutors and investigators shall be determined by the held position, where the positions are equal – by the rank under **Art. 233, Para. 1 – 3**, where the positions and ranks are equal – by the military rank, and where the ranks are equal – by the length of service on other positions as a judge, prosecutor or investigator.

Chapter ten.

JUNIOR JUDGES, JUNIOR PROSECUTORS AND JUNIOR INVESTIGATORS. JUDGE ASSISTANTS AND PROSECUTOR ASSISTANTS (TITLE AMEND. - SG 33/09; AMEND. - SG 95/16)

Section I.

Junior Judges, Junior Prosecutors and Junior Investigators (Title amend. - SG 33/09; amend. - SG 95/16)

Art. 238. (amend. - SG 33/09; amend. - SG 32/11, in force from 01.01.2012; amend. - SG 62/16, in force from 09.08.2016) For a junior judge, junior prosecutor and junior investigator may be appointed any person, meeting the requirements of **Art. 162**, who has passed the contest referred to in **Art. 176, Para 1, Item 1**, as well as the required exams following a course of mandatory initial training at the National Institute of Justice.

Art. 239. (1) A junior judge shall be appointed in a regional court.

(2) A junior prosecutor shall be appointed in a regional prosecution authority.

(3) (revoked - SG 33/09; new - SG 62/16, in force from 09.08.2016) A junior investigator shall be appointed in a regional investigation department.

Art. 240. (1) (amend. - SG 33/09; amend. - SG 32/11, in force from 01.01.2012; amend. - SG 62/16, in force from 09.08.2016) A junior judge, junior prosecutor and junior investigator shall be appointed for two years.

(2) (suppl. – SG 28/16) The term under Para 1 may be extended by 6 months by a decision of the respective collegium of the Supreme Judicial Council.

(3) (new - SG 33/09; amend. - SG 32/11, in force from 01.01.2012) A junior judge with practice more than one year may be commissioned to a vacant position in a district court within the same jurisdictional area.

Art. 241. (amend. - SG 33/09; amend. - SG 62/16, in force from 09.08.2016) At assumption of office a junior judge, junior prosecutor and junior investigator shall take an oath respectively under **Art. 155** or **Art. 156**.

Art. 242. (1) (amend. - SG 33/09; prev. text of Art. 242 – SG 01/11, in force from 04.01.2011; amend. - SG 62/16, in force from 09.08.2016) The administrative head of the relevant court or prosecution authority shall determine in an order a tutor judge, prosecutor or investigator for the junior judge, junior prosecutor or junior investigator respectively, who shall monitor and support their professional development.

(2) (new – SG 01/11, in force from 04.01.2011; amend. – SG 28/16, amend. - SG 49/18) The respective collegium of the Supreme Judicial Council shall adopt rules on the activities of the tutor judges, prosecutors and investigators.

Art. 243. (1) (amend. - SG 33/09; amend. - SG 62/16, in force from 09.08.2016) Upon expiration of the term under **Art. 240** the junior judge, junior prosecutor or junior investigator shall be appointed a judge in a district court, a prosecutor in a district prosecution authority, and respectively an investigator in a regional investigation department without a contest.

(2) If there is not a vacant position in the relevant judicial venue, the person shall be offered a position in another judicial venue.

Section II. Judicial Assistants and Prosecutor Assistants

Art. 244. (amend. – SG 01/11, in force from 04.01.2011; suppl. – SG 28/16) In courts and prosecution authorities, if found necessary by the respective collegium of the Supreme Judicial Council based on the level of work-load in the respective authority, may be appointed judicial assistants and prosecutor assistants.

Art. 245. (1) A judicial or prosecutor assistant shall be appointed a person meeting the requirements of **Art. 162** and who has passed a contest for a judicial employee.

(2) The candidates shall be appointed according to the order of their classification by the contest commission.

Art. 246. (1) The judicial assistants shall be appointed by the administrative head of the relevant court.

(2) The prosecutor assistants shall be appointed by the Chief Prosecutor or the administrative head of the relevant prosecution authority.

Art. 246a. (new – SG 01/11, in force from 04.01.2011; amend. - SG 62/16, in force from 09.08.2016) (1) The judicial assistants shall assist the judges, the administrative heads and their deputies in their work by:

1. drafting judicial acts;
2. researching, analysing and summarising the judicial practice and the opinions in the legal doctrine and making comparative legal research on specific topics at the request of a judge, administrative head or his deputy;

3. preparing opinions on letters and signals on legal questions received by the court;

4. supporting the administrative heads and the chairmen of divisions in opening cases;

5. performing other activities assigned by the administrative heads and their deputies.

(2) The prosecutor assistants shall assist the prosecutors and the administrative heads in their work. The prosecutor assistants may be assigned to prepare drafts of prosecutor acts.

(3) The administrative heads of the court and the prosecution authority shall publish on the website of the corresponding judiciary authority rules on organising the work of the judicial assistants and the prosecutor assistants.

Art. 246b. (new – SG 01/11, in force from 04.01.2011) (1) The judicial and prosecutor assistants shall keep as employment secret the information made available to them as part of their service and concerns the interests of citizens, legal persons, administrative authorities and the state.

(2) In relation to their official activities the judicial assistants and the prosecutor assistants shall be prohibited to provide legal advice and opinions to the parties, their procedural representatives or to third parties.

(3) In the performance of their official duties and in the public life the judicial assistants and the prosecutor assistants shall behave in accordance with the professional ethics and shall not affect the prestige of the judiciary.

(4) The judicial assistants and the prosecutor assistants shall be insured against accidents at the expense of the budget of the judiciary.

Art. 247. The judicial and prosecutor assistants shall be entitled to basic monthly employment salary amounting to 90 percent of the basic salary for the lowest judge or prosecutor position.

Art. 248. Regarding the questions not regulated in this Section shall apply the [Labour Code](#).

Chapter eleven.

NATIONAL INSTITUTE OF JUSTICE

Art. 249. (1) The National Institute of Justice shall carry out:

1. (amend. – SG 32/11, in force from 01.01.2012; amend. - SG 62/16, in force from 09.08.2016) compulsory initial training of the junior judge, junior prosecutor and junior investigator candidates;

2. (new - SG 49/18) mandatory introductory training for judges, prosecutors and investigators during initial appointment in the judiciary authority and when selecting jurors for a first term;

3. (suppl. - SG 33/09; suppl. - SG 62/16, in force from 09.08.2016, prev. item. 2, suppl. SG 49/18) support and raising the qualification of the judges, prosecutors, investigators, members of Supreme Judicial Council, Chief Inspector and inspectors of the Supreme Judicial Council Inspectorate, of the state bailiffs, the registry judges, the judicial assistants, the prosecutors' assistants, the judicial employees, the jurors, of the inspectors at the Inspectorate at the Minister of Justice and of other employees at the Ministry of Justice;

4. (new - SG 49/18) e-learning and organises applied research and analysis of practices in the field of justice.

(2) (amend. - SG 62/16, in force from 09.08.2016, amend. - SG 49/18) The National Institute of

Justice maintains and enhances the qualification through training activities of other persons too, when this is assigned to it by a law or an act of the Council of Ministers.

Art. 250. The National Institute of Justice shall be a legal person with a seat Sofia.

Art. 251. (1) The National Institute of Justice shall be financed by the budget of the judiciary, by programmes and projects, by donations and by its own activity related to training.

(2) (amend. - SG 49/18) The Supreme Judicial Council shall provide to the budget of the National Institute of Justice the funds, necessary to perform all types of activities specified in the law.

Art. 252. (1) (amend. – SG 01/11, in force from 04.01.2011) The National Institute of Justice shall be managed by a management board, which shall include five representatives of the Supreme Judicial Council and two representatives of the Ministry of Justice.

(2) (amend. – SG 01/11, in force from 04.01.2011; suppl. - SG 62/16, in force from 09.08.2016) The Chairman of the Supreme Court of Cassation, the Chairman of the Supreme Administrative Court and the Chief Prosecutor shall be members of the management board ex lege from the part of the Supreme Judicial Council and shall be its chairman, and the remaining representatives shall be elected by a decision of the plenum at the proposal of the corresponding collegium, one of the judicial and one of the prosecution collegium. The Chairman of the Supreme Court of Cassation shall be also a chairman of the management board.

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

Art. 252a. (new – SG 01/11, in force from 04.01.2011) (1) (amend. - SG 62/16, in force from 09.08.2016) An elected member of the management board may be dismissed by the represented authority:

1. upon resignation;
2. in cases of permanent factual inability to perform their duties for more than six months;
3. (suppl. - SG 62/16, in force from 09.08.2016) in case of dismissal as a member of the Supreme Judicial Council – in respect of the representatives of the Supreme Judicial Council at the proposal of the Minister of Justice in respect of the representative of the Ministry of Justice;
4. in cases of severe violation or systematic failure to perform their duties.

(2) (amend. - SG 62/16, in force from 09.08.2016) In the cases of Para 1 the represented authority shall elect a new member of the management board within one month.

Art. 253. The management board of the National Institute of Justice shall:

1. (amend. - SG 62/16, in force from 09.08.2016) elect and dismiss the director and the deputy directors;
2. adopt the training programmes;
3. (suppl. - SG 62/16, in force from 09.08.2016) approve the draft budget of the National Institute of Justice and present it to the plenum of the Supreme Judicial Council;
4. adopt the internal rules, provide for in the regulations under **Art. 263**;
5. approve the composition of the programme council of the National Institute of Justice;
6. (amend. - SG 33/09; suppl. - SG 62/16, in force from 09.08.2016) submit proposals to the plenum of the Supreme Judicial Council for determining the number of employees;
7. adopt three-year plan for its activity;
8. organize, manage and control the participation of the National Institute of Justice in the European Judicial Training Network.

Art. 254. (suppl. - SG 62/16, in force from 09.08.2016) The decisions of the management board

shall be adopted with majority of more than half of its members, except the decisions under **Art. 253, Items 1- 4**, and on the proposal under **Art. 263**, which shall be adopted with majority of two thirds.

Art. 255. (1) (suppl. - SG 62/16, in force from 09.08.2016) The National Institute of Justice shall be managed and represented by a director.

(2) (amend. - SG 01/11, in force from 04.01.2011; amend. - SG 62/16, in force from 09.08.2016) The director of the National Institute of Justice shall be elected for a term of 5 years. He may be elected for one more mandate following assessment of his activity by the management board. The director shall be supported by deputy directors.

(3) (new - SG 01/11, in force from 04.01.2011; suppl. - SG 62/16, in force from 09.08.2016) As a director or a deputy director of the National Institute of Justice may be elected a person:

1. with higher legal education and legal capacity;
2. possessing high professional and moral qualities and practical experience in the judiciary;
3. (suppl. - SG 62/16, in force from 09.08.2016) meeting the requirements for service referred to in **Art. 164, Para 7** for a director and the requirements for service referred to in **Art. 164, Para 5** for a deputy director;

4. (suppl. - SG 103/17, in force from 01.01.2018) never convicted for deliberate crimes of general character and imposed deprivation of liberty or deprivation of the right to hold certain state or public positions and this circumstance shall be established.

(4) (new - SG 01/11, in force from 04.01.2011) The director shall be dismissed by the management board:

1. upon resignation;
2. in cases of permanent factual inability to perform his duties for more than six months;
3. in cases of conviction for a deliberate crime of general character and imposed deprivation of liberty or deprivation of the right to hold certain state or public positions;
4. in cases of severe and systematic violations of this Act and the regulations under **Art. 263**.

(5) (prev. text of Para 03 - SG 01/11, in force from 04.01.2011) In case of absence of the director his competences shall be exercised by a deputy director authorized by him in writing.

(6) (new - SG 62/16, in force from 09.08.2016) The deputy directors shall be elected and dismissed by the management board at the proposal of the director for the term of his mandate.

Art. 256. (1) The programme council shall be an auxiliary body of the National Institute of Justice with advisory functions.

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

(3) The members of the programme council shall participate in the preparation and updating of the training programmes.

Art. 257. (1) (suppl. - SG 01/11, in force from 04.01.2011; amend. - SG 62/16, in force from 09.08.2016) The training programmes of the National Institute of Justice shall be adopted by the management board upon proposal of the director in coordination with the plenum of the Supreme Judicial Council.

(2) The programmes and activities for raising the qualification of the state bailiffs, the registry judges, the judicial employees, the inspectors of the Inspectorate at the Ministry of Justice and of other employees of the Ministry of Justice shall be coordinated with the Minister of Justice.

Art. 258. (amend. - SG 33/09; amend. – SG 32/11, in force from 01.01.2012; amend. – SG 81/12, in force from 01.09.2012) (1) (amend. and suppl. - SG 62/16, in force from 09.08.2016) The term of the training referred to in **Art. 249, Para 1, Items 1** shall be 9 months and shall commence in September of the

respective year. During the training the junior judge, junior prosecutor and junior investigator candidates shall be granted 70 percent of the basic salary for junior judges, junior prosecutors and junior investigators chargeable to the budget of the Judiciary through National Institute of Justice. The funds shall be made available from the budget of the Judiciary by increasing the budget of the National Institute of Justice in accordance with the specific number junior judge, junior prosecutor and junior investigator candidates for the corresponding class.

(2) (amend. - SG 62/16, in force from 09.08.2016) In the end of the training the junior judge, junior prosecutor and junior investigator candidates shall sit a written and oral exam with practical orientation and the grades shall be according to the six-grade system.

(3) (suppl. – SG 28/16) The exams referred to in Para 2 shall be conducted by a commission determined by the respective collegium of the Supreme Judicial Council consisting of a chairman and four members, including judges and prosecutors. The commission shall not include permanent lecturers at the National Institute of Justice and members of the respective collegium of the Supreme Judicial Council.

(4) The results of the written and oral exam shall be announced on a public place in the building of the National Institute of Justice and on its [internet](#) site.

(5) (suppl. – SG 28/16) An overall grade shall be formed of the exam results, which shall represent the average of the sum of the grade from the writing and oral exam, and shall be sent to the respective collegium of the Supreme Judicial Council.

(6) (new - SG 62/16, in force from 09.08.2016) In the end of the training the permanent trainers shall draw up reports on the moral and professional qualities under Art. 162, Item 2 demonstrated by the candidates for junior judges, junior prosecutors and junior investigators during the training. The reports shall be submitted to the corresponding collegium of the Supreme Judicial Council together with the grade under Para 5.

Art. 258a. (new – SG 32/11, in force from 01.01.2012) (1) (amend. - SG 62/16, in force from 09.08.2016) A successful graduate from the training referred to in Art. 249, Para 1, Item 1 shall be deemed a junior judge, junior prosecutor or junior prosecutor candidate who has received an overall grade under Art. 158, Para 5, which is not lower than very good "4,50".

(2) (amend. - SG 62/16, in force from 09.08.2016) For junior judge, junior prosecutor and junior investigator candidates who have failed to successfully complete their training under Art. 249, Para 1, Item 1 shall be determined a second written and oral exam not earlier than one month and not later than two months from the announcement of the grade referred to in Art 258, Para 5. In cases of a second exam grade lower than very good "4,50" the candidate shall not be appointed as junior judge, junior prosecutor or junior investigator.

(3) (amend. – SG 28/16) The respective collegium of the Supreme Judicial Council shall appoint the candidates who have successfully completed the training under Art. 249, Para 1, Item 1 to the position they have been approved for in the decision under Art. 186, Para 7.

(4) (amend. – SG 81/12, in force from 01.09.2012) The candidates, who have refused to take their position or have ceased the training without reasonable grounds, as well as those who have failed the second exams shall return to the National Institute of Justice the amounts received as per Art. 258, para 1.

(5) (amend. – SG 81/12, in force from 01.09.2012; amend. - SG 62/16, in force from 09.08.2016) The insurance instalments for state public, supplementary obligatory and health insurance and the insurance for accidents of the junior judge, junior prosecutor and junior investigator candidates for the period of their training under Art. 249, Para 1, Item 1 shall be at the expense of the budget of the judiciary.

(6) The period of training of those who have passed the exams shall be deemed as practice under Art. 164, Para 1 – 7.

Art. 258b. (new – SG 32/11, in force from 19.04.2011; amend. - SG 62/16, in force from 09.08.2016) The status of the junior judge, junior prosecutor and junior investigator candidates for the time

of their training under Art. 249, Para 1, Item 1, the organization and order for conducting the exams under Art. 258 and 258a shall be determined in acts adopted by the Supreme Judicial Council, which shall be promulgated in the State Gazette.

Art. 259. (1) (prev. text of Art. 259 - SG 62/16, in force from 09.08.2016) In case of initial appointment in the judiciary authorities, during the first year after the assumption of office, the judges, prosecutors and investigators shall pass a mandatory course for raising the qualification.

(2) (new - SG 62/16, in force from 09.08.2016) In the cases of Para 1 the junior judges, junior prosecutors and junior investigators shall be assigned a tutor as set out in Art. 242 for the first year after taking the office.

Art. 260. The participation of the judicial employees in the relevant qualification courses of the National Institute of Justice shall be considered in case of promotion.

Art. 261. (suppl. – SG 28/16) The respective collegium of the Supreme Judicial Council may decide some courses shall be mandatory for the judges, prosecutors, investigators and the judicial employees in the cases of:

1. promotion in office;
2. appointment as an administrative head;
3. specialization.

Art. 262. (amend. - SG 49/18) (1) The teachers at the National Institute of Justice are permanent and temporary. The training of candidates for junior judges, junior prosecutors and junior investigators is provided by permanent teachers, but temporary teachers can also take part in it.

(2) Permanent and temporary teachers at the National Institute of Justice are judges, prosecutors and investigators. Temporary teachers can be researchers in legal studies and experts in other fields.

(3) Judges, prosecutors and investigators selected for permanent teachers by the Managing Board shall be seconded for a period of up to one year by the respective college of the Supreme Judicial Council on a proposal from the Managing Board of the National Institute of Justice. The term may be prolonged annually after evaluating the work of the permanent teacher by the Managing Board of the National Institute of Justice within a total duration of 5 years.

(4) Judges, prosecutors, investigators and judicial officials carry out teaching activities as temporary teachers at the National Institute of Justice and develop learning materials, self-learning resources and publications necessary for the training activities of the National Institute of Justice on the basis of an order issued by the Director of the National Institute of Justice.

(5) The procedure for appointing the persons under para. 2, 3 and 4 and their remuneration shall be settled by the internal rules under Art. 253, point 4.

(6) In carrying out teaching activities at the National Institute of Justice temporary teachers are entitled to paid official leave.

Art. 263. (supple. - SG 01/11, in force from 04.01.2011; amend. – SG 28/16) Upon proposal of the management board the plenum of the Supreme Judicial Council shall adopt regulations on the organization of the activity of the National Institute of Justice and its administration, which shall be promulgated in the State Gazette.

Chapter twelve. STATE BAILIFFS

Art. 264. (1) At the district courts there shall be state bailiffs.

(2) (new - SG 33/09; amend. - SG 62/16, in force from 09.08.2016) The state bailiffs shall enforce private receivables. The state bailiff may be assigned also the collection of receivables of the judiciary authorities.

(3) (prev. text of Para 02 - SG 33/09) The number of the state bailiffs shall be determined by the Minister of Justice.

(4) (prev. text of Para 03 - SG 33/09) At the district courts, where there are no state bailiffs, the functions of a state bailiff shall be performed by a district judge, determined by the chairman of the relevant court, of which the Minister of Justice shall be notified.

Art. 265. The state bailiffs shall be appointed by the Minister of Justice upon a contest. The Minister of Justice may set a date for a contest also upon proposal of the chairman of the district court.

Art. 266. (1) The Minister of Justice shall set a date for a contest for state bailiffs in an order that shall determined the order for conducting it.

(2) The order shall be announced on a public place in the building of the district court, it shall be promulgated in the State Gazette and published in a central daily newspaper and on the site of the Ministry of Justice in the internet at least two months before the date of the contest.

(3) The order referred to in Para 1 shall contain also:

1. the number of vacant positions for state bailiffs and the venue of their activity;
2. date, hour and location of the contest;
3. place and term for accepting the contest documentation;
4. amount of the state fee for participation in a contest and a deposit account.

(4) The Ministry of Justice shall collect a state fee for the contest in amount established in a tariff, approved by the Council of Ministers.

Art. 267. To participate in a contest for state bailiffs may apply persons meeting the requirements under Art. 162.

Art. 268. (1) The contest for state bailiffs shall consist of a written and an oral exam.

(2) The contest shall be conducted by a commission consisting of a chairman and two members, determined by the Minister of Justice.

(3) The contest commission shall perform the classification of the candidates and send it to the Minister of Justice within 7 days.

(4) Within 14 days from the delivery of the classification results the Minister of Justice shall appoint candidates who have passed the contest according to the order of the classification until all vacant positions are occupied.

Art. 269. (1) (prev. text of Art. 269 - SG 01/11, in force from 04.01.2011) In case there is a single candidate available, who has worked as a state bailiff for more than 5 years, he shall be appointed without contest.

(2) (new - SG 01/11, in force from 04.01.2011) Para 1 shall not apply, when the person has been imposed the disciplinary sanction dismissal.

Art. 270. Upon a request of a state bailiff, who has occupied the position for at least two years, the Minister of Justice may transfer him to another district court taking the opinion of the chairmen of the involved district courts.

Art. 270a. (amend. - SG 62/16, in force from 09.08.2016) (1) The state bailiffs shall be obliged to keep professional confidentiality of the circumstances they have learned in relation to their work and he

shall not use them for his own or for the benefit of others. These obligations apply also to the time, in which the state bailiff does not exercise his functions or his activity is suspended.

(2) The state bailiff is obliged to observe the professional ethics, to keep the prestige of the Judiciary and to increase his qualifications.

(3) The Minister of Justice may make recommendations in the case of finding omissions in the work of the state bailiff, which do not qualify as disciplinary violations.

Art. 271. Any state bailiff shall be dismissed by the Minister of Justice:

1. in case of retirement;
2. upon their own request;
3. in case of entry into force of a judgement for imposing deprivation of liberty for a deliberate crime;
4. in case of continuous inability to perform their duties for more than one year;
5. in case of severe offence or systematic failure to perform their official duties.

Art. 272. (1) The Minister of Justice may displace of office any state bailiff, who has been accused for a crime of general character.

(2) In case of termination of the criminal proceedings or statement of an acquittal judgement the state bailiff, who has been temporarily displaced of office, shall be reinstated and paid employment salary for the period of displacement.

Art. 273. (1) In judicial venues with two or more state bailiffs the one with proved professional qualities shall be appointed by the Minister of Justice a head for a term of 5 years and shall be entitled to a second appointment. The person shall be entitled to additional salary for the leadership position, performed by him.

(2) Where the head is absent, he shall be substituted by a state bailiff, determined by the chairman of the district court, and the Minister of Justice shall be informed thereof.

Art. 274. (1) (prev. text of Art. 274 - SG 62/16, in force from 09.08.2016) Where a position is vacant or the appointed state bailiff is hindered to perform it and may not be substituted by another state bailiff from the same court, the chairman of the relevant regional court or the Minister of Justice may commission in his place a state bailiff from another judicial venue.

(2) (new - SG 62/16, in force from 09.08.2016) The Minister of Justice may appoint a registry judge of the same court to exercise the functions of a state bailiff.

Art. 275. (1) While performing their activities the state bailiffs shall wear a special sign, determined by the Minister of Justice.

(2) The state authorities, the officials, the organizations and the citizens shall be obliged to render assistance to the state bailiffs in exercising their official duties.

(3) In case the exercise of their official duties is impeded illegally, the state bailiffs may request assistance and the police authorities shall be obliged to render it immediately.

Art. 276. (1) (new - SG 33/09, in force from 01.01.2010) The salary of a state bailiff shall be 90 percent of the salary of a judge in a district court.

(2) (prev. text of Art. 276 - SG 33/09, in force from 01.01.2010) After 6 years of service, for proved professional qualification and exemplary exercise of the official duties, the Minister of Justice may assign to a state bailiff a salary up to the amount of the salary of a judge in a regional court upon proposal of the chairman of the relevant court.

Art. 277. (1) The state bailiffs shall be paid annually funds for clothes in amount of two average

monthly salaries of the persons occupied in the budget sphere.

(2) (amend. - SG 62/16, in force from 01.01.2018, amend. enforcement date – SG 76/16, in force from 09.08.2016, amend. – SG 90/17, in force from 01.01.2018) The mandatory social and health insurance of the state bailiffs and their insurance against accidents during or in relation to the performance of their official duties shall be made at the expense of the budget of the judiciary.

(3) In case of termination of their employment relationship the state bailiffs shall be paid a compensation under the conditions of Art. 225.

Art. 278. The Labour Code shall apply unless otherwise stipulated in this Chapter.

Chapter thirteen. REGISTRY JUDGES

Art. 279. (1) There shall be registry judges at the district courts.

(2) The number of the registry judges shall be determined by the Minister of Justice.

(3) At the district courts, where there are no registry judges or they are hindered from performing their functions, they shall be performed by a district judge, of which the Minister of Justice shall be notified.

(4) The Minister of Justice may assign a state bailiff of the same court to perform the functions of a registry judge.

Art. 280. (1) The registry judge shall:

1. order or reject the registrations, markings and deletions in the property register and shall decide on the provision of references and certificates;

2. perform notary and other activities, stipulated in a law.

(2) A registry judge shall perform activities only within his venue.

Art. 281. The registry judges shall be appointed by the Minister of Justice upon a contest. The Minister of Justice may set a date for a contest also upon proposal of the chairman of the district court.

Art. 282. (1) The Minister of Justice shall set a date for a contest for registry judges in an order that shall determine the order for conducting it.

(2) The order shall be announced on a public place in the building of the district court, it shall be promulgated in the State Gazette and published in a central daily newspaper and on the site of the Ministry of Justice in the internet at least two months before the date of the contest.

(3) The order referred to in Para 1 shall contain also:

1. the number of vacant positions for registry judges and the venues of their activity;

2. date, hour and location of the contest;

3. place and term for accepting the contest documentation;

4. amount of the state fee for participation in a contest and a deposit account.

(4) The Ministry of Justice shall collect a state fee for the contest in amount established in a tariff, approved by the Council of Ministers.

Art. 283. To participate in a contest for registry judges may apply persons meeting the requirements under Art. 162.

Art. 284. (1) The contest for registry judges shall consist of a written and an oral exam.

(2) The contest shall be conducted by a commission consisting of a chairman and two members, determined by the Minister of Justice.

(3) The contest commission shall perform the classification of the candidates and send it to the

Minister of Justice within 7 days.

(4) Within 14 days from the delivery of the classification results the Minister of Justice shall appoint candidates who have passed the contest according to the order of the classification until all vacant positions are occupied.

Art. 285. (prev. text of Art. 285 - SG 01/11, in force from 04.01.2011) In case there is a single candidate available, who has worked as a registry judge for more than 5 years, he shall be appointed without contest.

(2) (new - SG 01/11, in force from 04.01.2011) Para 1 shall not apply, when the person has been imposed the disciplinary sanction dismissal.

Art. 286. Upon a request of a registry, who has occupied the position for at least two years, the Minister of Justice may transfer him to another district court taking the opinion of the chairmen of the involved district courts.

Art. 286a. (new – SG 62/16, in force from 09.08.2016) (1) The registry judge shall be obliged to keep professional confidentiality of the circumstances known to him in relation to his work and may not use them for his own or for the benefit of others. This shall apply also to the time, when the registry judge does not exercise his functions or his activities have been discontinued.

(2) The registry judge is obliged to observe the professional ethics, to keep the prestige of the Judiciary and to increase his qualifications.

(3) The Minister of Justice may make recommendations in the case of finding omissions in the work of the registry judge, which do not qualify as disciplinary violations.

Art. 287. A registry judge shall be dismissed by the Minister of Justice:

1. in case of retirement;
2. upon their own request;
3. in case of entry into force of a judgement for imposing deprivation of liberty for a deliberate crime;
4. in case of continuous inability to perform their duties for more than one year;
5. in case of severe offence or systematic failure to perform their official duties.

Art. 288. (1) The Minister of Justice may displace of office a registry judge, who has been accused for a crime of general character.

(2) In case of termination of the criminal proceedings or statement of an acquittal judgement the registry judge, who has been temporarily displaced of office, shall be reinstated and paid employment salary for the period of displacement.

Art. 289. (1) In judicial venues with more than one registry judge the one with proved professional qualities shall be appointed by the Minister of Justice a head for a term of 5 years and shall be entitled to a second appointment. The person shall be entitled to additional salary for the leadership position, occupied by him.

(2) Where the head is absent, he shall be substituted by a registry judge, determined by the chairman of the district court, and the Minister of Justice shall be informed thereof.

Art. 290. Where a position is vacant or the appointed registry judge is hindered to exercise it and may not be substituted by another registry judge from the same court, the chairman of the relevant regional court or the Minister of Justice may commission in his place a state bailiff from another judicial venue.

Art. 291. (1) (new - SG 33/09, in force from 01.01.2010) The salary of a registry judge shall be 90

percent of the salary of a judge in a district court.

(2) (prev. text of Art. 291 - SG 33/09, in force from 01.01.2010) After 6 years of service, for proved professional qualification and exemplary exercise of the official duties, the Minister of Justice may assign to a registry judge a salary up to the amount of the salary of a judge in a regional court upon proposal of the chairman of the relevant court.

Art. 292. (1) The registry judges shall be annually paid funds for clothes in amount of two average monthly salaries of the persons occupied in the budget sphere.

(2) (amend. - SG 62/16, in force from 01.01.2018, amend. enforcement date – SG 76/16, in force from 09.08.2016, amend. – SG 90/17, in force from 01.01.2018) The mandatory social and health insurance of the registry judges and their insurance against accidents during or in relation to the performance of their official duties shall be made at the expense of the budget of the judiciary.

(3) In case of termination of their employment relationship the registry judges shall be paid compensation under the conditions of Art. 225.

Art. 293. The Labour Code shall apply unless otherwise stipulated in this Chapter.

Chapter fourteen. **ACQUIRING JUDICIAL CAPACITY**

Art. 294. (1) The persons who have graduated Law shall acquire judicial capacity after completion of 6-month training as trainee-jurists and passing an exam.

(2) (amend. - SG 62/16, in force from 09.08.2016) During the training the trainee-jurists shall get acquainted in practice with the primary functions and with the organization of the work of the professions requiring legal education and shall participate in the preparation of drafts of acts and documents of legal significance.

Art. 295. (1) The trainee-jurist may be a Bulgarian national, a national of another Member State of the European Union, or a foreigner, who has graduated Law in the Republic of Bulgaria.

(2) The trainee-jurist may be also a Bulgarian national, a national of another Member State of the European Union, or a foreigner, who has graduated Law abroad, provided that the diploma acquired by him is recognized by the Republic of Bulgaria and is legalized.

Art. 296. The candidate for a trainee-jurist shall submit to the Ministry of Justice:

1. a written application, stating the full name, the unified citizen number, respectively the personal number of a foreigner, and the permanent address;
2. a notary certified copy of the diploma or a certificate for graduation in Law;
3. (revoked - SG 103/17, in force from 01.01.2018)
4. a copy of an identity document;
5. a copy of the residence certificate - for the nationals of another Member State of the European Union;
6. (new - SG 62/16, in force from 09.08.2016) a written consent of the tutor under Art. 297, Para 5 and an individual training plan for the professional service under Art. 297, Para 2, Item 2.

Art. 297. (1) (suppl. - SG 62/16, in force from 09.08.2016) The Minister of Justice or an authorised by him deputy-minister shall assign the trainee-jurist at the regional court, in the judicial venue of which is his permanent address. As an exception, in case important circumstances, the trainee-jurist may be assigned in another judicial venue.

(2) (new - SG 62/16, in force from 09.08.2016) The training for acquiring legal capacity shall be

conducted in two stages:

1. basic: general acquaintance with the basic functions, duties and organisation of the activities of the judiciary authorities with a duration of at least two months; in each judiciary authority the trainee-jurist shall be assigned a tutor;

2. professional: with an attorney, notary, private bailiff, representative of another profession requiring legal education, in an executive authority or another institution specified in the ordinance referred to in Art. 297a, which activities are related with the development of the law, the Judiciary or the human rights protection; the professional service shall have a duration of 4 months and shall take place under the guidance of a tutor; the professional service may take place also in a judiciary authority under Item 1.

(3) (prev. text of Para 02, amend. - SG 62/16, in force from 09.08.2016) During the training the trainee-jurist shall not be entitled to a salary and the period shall not be considered an insurance service, unless otherwise agreed in the contract with the person referred to in Para 2, Item 2.

(4) (amend. - SG 33/09; prev. text of Para 03, amend. - SG 62/16, in force from 09.08.2016) The training under Para 2, Item 1 shall be taken into account at the attestation of the corresponding judge, prosecutor or investigator.

(5) (prev. text of Para 04, amend. - SG 62/16, in force from 09.08.2016) The training under Para 2, Item 2 shall be conducted under the guidance of a tutor with at least 5 years of service on the corresponding position or profession. The location of conducting the professional service shall be the regional court specified as set out in Art. 296, Item 1.

(6) (amend. - SG 01/11, in force from 04.01.2011; prev. text of Para 05 - SG 62/16, in force from 09.08.2016) The training shall be considered completed, if the trainee book of record is duly attested by the relevant court, prosecution authority and investigation department.

Art. 297a. (new - SG 62/16, in force from 09.08.2016) The Minister of Justice shall issue an ordinance, determining:

1. the procedure of appointing and allocation of the trainee-jurists;
2. the requisites of the trainee book of record issue to the trainee-jurist;
3. the documents, criteria, standards, stages and the scope of the trainee programmes;
4. the order of exercising control over the implementation of the trainee programmes;
5. the order of conducting the examination of acquiring legal capacity;
6. the order of maintaining a public register of the persons with acquired legal capacity.

Art. 298. (1) After completion of the training the trainee-jurist shall take an exam for acquiring judicial capacity.

(2) In order to take the exam the trainee-jurist shall submit a written application to the Minister of Justice via the chairman of the relevant regional court, to which he shall attach his trainee book of record.

Art. 299. (1) The Minister of Justice shall set in an order the day and hour of conducting the exam for acquiring legal capacity, the composition of the exam commission, as well as the trainee-jurists admitted to the exam.

(2) (amend. - SG 62/16, in force from 09.08.2016) The order of the Minister of Justice and the list of the admitted trainee-jurists shall be announced at the Ministry of Justice within three days before the date for conducting the exam and shall be published on the website of the Ministry of Justice.

(3) (amend. - SG 62/16, in force from 09.08.2016) The exam shall be carried out twice per year by a five-member commission including: a chairman - representative of the Inspectorate at the Minister of Justice, and members - a representative of the Supreme BAR Council, two representatives of the judiciary authorities and a habilitated scholar in legal sciences. The judiciary authorities and the Supreme BAR Council shall notify the Minister of Justice of the representatives determined by them.

(4) (revoked - SG 62/16, in force from 09.08.2016, new - SG 49/18) The Minister of Justice with an order under para. 1 can schedule an exam more often than twice a year, when requests for examinations are

more than 200 and the trainee lawyers meet the requirements for admission to the examination.

Art. 300. (amend. - SG 62/16, in force from 09.08.2016) (1) The exam for acquiring judicial capacity shall be common and anonymous. It shall include a combined assessment of the knowledge of the candidates in solving a legal problem and solving a test with practical orientation and shall be graded as "passed" and "failed".

(2) The exam shall test the practical knowledge and competences acquired during the service, including the capability of analysing the facts of legal significance and the applicable law, as well as the knowledge in the professional legal ethics.

(3) In case of a "failed" grade the trainee-jurist shall have the right to take the exam after an additional two-month service as set out in Art. 297, Para 2, Item 1, up to three times.

(4) The exam results shall be entered into a protocol, which shall be signed by the members of the examining commission and shall be kept in the Ministry of Justice.

Art. 301. The Minister of Justice shall issue a judicial capacity certificate to every trainee-jurist who has received a "passed" grade.

Chapter fifteen. STIMULATIONS

Art. 302. (amend. - SG 62/16, in force from 09.08.2016) The corresponding collegium of the Supreme Judicial Council may propose to the President of the Republic of Bulgaria award orders or medals to judges, prosecutors and investigators for exceptional or for major services in carrying out the judiciary.

Art. 303. (1) (amend. – SG 28/16) The respective collegium of the Supreme Judicial Council may stimulate a judge, prosecutor and investigator with honours or a reward for demonstrated high professionalism, exemplary performance of the official duties and high moral qualities.

(2) The honours shall be:

1. official gratitude and diploma;
2. personal sign of honour:
 - a) first degree - golden;
 - b) second degree - silver;
3. early promotion in rank.

(3) The reward in amount up to the basic monthly salary shall be:

1. financial;
2. in articles.

(4) The honour may be combined with a reward.

Art. 304. (1) (amend. - SG 01/11, in force from 04.01.2011; amend. and suppl. – SG 28/16, amend. – SG, 32/22, in force from 27.07.2022) Stimulation proposals shall be made to the respective collegium of the Supreme Judicial Council by the Minister of Justice, the Chairman of the Supreme Court of Cassation, the Chairman of the Supreme Administrative Court, the Prosecutor General, the Director of the National Investigation Service, the chairman of an appellate, military-appellate, district, and administrative courts, by an appellate, military-appellate, district, and military-district prosecutor, as well as by three members of the relevant collegium of the Supreme Judicial Council and by the relevant professional organization.

(2) The Inspectorate at the Supreme Judicial Council shall be entitled to make stimulation proposals to the relevant administrative head.

Art. 305. (1) The Minister of Justice may stimulate by honours and rewards a state bailiff and

registry judge for demonstrated high professionalism, exemplary performance of their official duties and high moral qualities in the society.

(2) The honours shall be:

1. official gratitude and diploma;
2. personal sign of honour:
 - a) first degree - golden;
 - b) second degree - silver.

(3) The reward in amount up to the basic monthly salary shall be:

1. financial;
2. in Articles.

(4) The honour may be combined with a reward.

Art. 306. The stimulation proposals to the Minister of Justice shall be made by the chairman of the relevant district court or by the chief inspector at the Inspectorate at the Minister of Justice.

Chapter sixteen. DISCIPLINARY LIABILITY

Section I.

Disciplinary liability of the judges, prosecutors and investigators, of the administrative heads of the court, prosecution and investigation authorities, of their deputies and of the members of the Supreme Judicial Council (New – SG 62/16, in force from 09.08.2016)

Art. 307. (amend. - SG 62/16, in force from 09.08.2016) (1) (Amend. - SG 11/20) A judge, prosecutor or investigator, a member of the Supreme Judicial Council, the administrative heads of the courts, prosecution and investigation authorities and their deputies shall be imposed disciplinary penalty for a disciplinary offence committed.

(2) A disciplinary offence shall be any culpable failure to perform the official duties or any impairing of the prestige of the Judiciary.

(3) The disciplinary offences shall be:

1. systematic failure to comply with the terms, specified in the laws of procedure;
2. acts or omissions delaying the proceedings without justification;
3. acts or omissions, including violation of the Code of Ethical Conduct of the Bulgarian Magistrates, impairing the prestige of the Judiciary;
4. failure to perform other official duties.

(4) For impairing the prestige of Judiciary by an elective member of the Supreme Judicial Council, the mandate of whom has been terminated prematurely due to resignation on the grounds of **Art. 130, par. 8, item 1 of the Constitution**, the same shall bear disciplinary liability, if he/she is a judge, public prosecutor or investigator reinstated in their previous office.

(5) Except for violations under Para 3 disciplinary liability shall be borne also by:

1. the corresponding administrative head - in cases of non-exercised control under **Art. 140, Para 3** ;
2. a military judge, military prosecutor and military investigator - for offences, stipulated in the special laws and statutes.

(6) The disciplinary liability shall be held irrespective of the civil, criminal or administrative penal liability, if such is provided for.

Art. 308. (1) (amend. - SG 62/16, in force from 09.08.2016) The disciplinary penalties for a judge,

prosecutor and investigator, administrative head and deputy administrative head shall be:

1. a note;
2. reduction of the basic employment salary from 10 to 20 per cent for a term from 6 months to one year;
3. relegation in rank for a term of 6 months to one year;
4. relegation in office for a term of 6 months to one year;
5. dismissal of office as an administrative head or a deputy administrative head;
6. disciplinary dismissal of office.

(2) (amend. - SG 62/16, in force from 09.08.2016, suppl. - SG 16/21) The disciplinary penalties for a member of the Supreme Judicial Council and for the prosecutor in the investigation against the Prosecutor General or his deputy shall be:

1. a note;
2. a disciplinary dismissal of office.

(3) (new – SG 103/09, in force from 29.12.2009; amend. - SG 62/16, in force from 09.08.2016) The disciplinary penalty of disciplinary dismissal of office shall be imposed for:

1. systematic failure to perform or other grave violation of the official duties;
2. acts impairing the prestige of the Judiciary.

(4) (prev. par. 3 – SG 103/09, in force from 29.12.2009) For a single disciplinary offence shall be imposed a single disciplinary penalty.

Art. 309. (1) (Previous text of Art. 309 - SG 11/20) In determining the disciplinary penalty, the severity of the offence shall be taken into account, as well as the form of the fault, the circumstances, in which the offence was committed, and the attitude of the offender.

(2) (New - SG 11/20) In determining the type and size of the disciplinary penalty for any offence committed under **Art. 307, Para. 3, items 1 and 2** shall also be taken into account the individual workload of the judge, prosecutor or investigator liable for disciplinary penalty, as well as the workload of the judicial authority, in which the offence was committed.

Art. 310. (1) (amend. - SG 33/09; amend. - SG 62/16, in force from 09.08.2016, suppl. - SG 11/20) The disciplinary proceedings shall be initiated by an order, respectively by decision, of the punishing authority within 6 months from finding, but not later than three years from commitment of the offence. The six-month term shall start running from the moment of knowledge about the offence by one of the authorities and persons under **Art. 312, Para. 1**, and shall not be interrupted and shall not run separately for each of them.

(2) (amend. - SG 62/16, in force from 09.08.2016, amend. - SG 11/20) When the time limits under Para. 1 have expired, disciplinary proceedings shall not be initiated and the proceedings already in motion shall be terminated. Disciplinary proceedings shall not be initiated, but the the ones already initiated shall be terminated also when the legal relationship with the persons under **Art. 307, Para. 1** is terminated as well.

(3) (suppl. - SG 33/09; amend. – SG 103/09, in force from 29.12.2009; amend. - SG 62/16, in force from 09.08.2016, amend. - SG 11/20) Where the offence has the form of a failure to act, the terms under Para 1 shall commence from its establishment. In case of an offence damaging the prestige of the Judiciary, the terms under Para. 1 shall start to run from the disclosing the act outside the judiciary.

(4) (amend. - SG 33/09) In case of a disciplinary offence, which simultaneously constitutes a crime, established in a conviction in force or in a ruling in force for termination of the penal proceedings on the grounds of **Art. 24, Para 1, Items 2 and 3 and Para 3 of the Penal Procedure Code**, the terms under Para 1 shall commence from entry into force of the conviction or of the ruling.

(5) (amend. - SG 62/16, in force from 09.08.2016, amend. - SG 11/20) The terms under Para. 1 shall cease to run when:

1. the person is on legal leave of absence;

2. a refusal to initiate disciplinary proceedings is appealed – until the decision of the competent authority.

(6) (amend. - SG 62/16, in force from 09.08.2016) In the cases of Para 3 and Para 5, Item 2 the disciplinary proceedings shall not be started after the expiration of 5 years from committing the offence.

Art. 311. (amend. - SG 62/16, in force from 09.08.2016) The disciplinary penalty shall be imposed by:

1. the administrative head - regarding the penalty under **Art. 308, Para 1, Item 1**;
2. the corresponding collegium of the Supreme Judicial Council – on judges, prosecutors or investigators regarding the penalties under **Art. 308, Para 1, Items 2, 3, 4 and 6**;
3. the corresponding collegium of the Supreme Judicial Council – on the administrative heads and their deputies;
4. (suppl. - SG 16/21) the plenum of the Supreme Judicial Council – regarding the penalties under **Art. 308, Para 2** on an elective member of the Supreme Judicial Council and on the prosecutor in the investigation against the Prosecutor General or his deputy.

Art. 312. (amend. - SG 62/16, in force from 09.08.2016) (1) The proposal for starting disciplinary proceedings to impose a disciplinary penalty on a judge, prosecutor or investigator, on an administrative head or deputy administrative head can be made by:

1. the corresponding administrative head;
2. an administrative head of higher level;
3. the Inspectorate at the Supreme Judicial Council;
4. the Minister of Justice.

(2) (Suppl. - SG 16/21) A proposal for imposing a disciplinary penalty under **Art. 308, Para 2** on a member of the Supreme Judicial Council and on the prosecutor in the investigation against the Prosecutor General or his deputy can be made by five members of the plenum of the Supreme Judicial Council or by three members of the corresponding collegium.

(3) A proposal for imposing the penalty “disciplinary dismissal of office” under **Art. 130, Para 8, Item 4, first provision of the Constitution** of the Republic of Bulgaria on an elective member of the Supreme Judicial Council elected by the National Assembly can be made also at the request of one fifth of the national representatives.

(4) A proposal for imposing the penalty “disciplinary dismissal of office” under Art. 130, Para 8, Item 4, first provision of the Constitution of the Republic of Bulgaria on an elective member of the Supreme Judicial Council elected by the judges, prosecutors or investigators can be made also at the request of respectively one fifth of the active judges, prosecutors or investigators.

(5) (New - SG 11/20) The petitioner shall attach to his proposal all the evidence relevant to the alleged facts available to him.

Art. 313. (amend. - SG 62/16, in force from 09.08.2016) (1) Before imposing a disciplinary penalty the penal authority shall hear the person under disciplinary liability or accept his written explanation.

(2) When the person under disciplinary liability has not been heard or his written explanation has not been requested, the court shall overturn the imposed disciplinary penalty, without considering the case subject, unless the person has refused to provide explanation or to be heard.

(3) (Amend. - SG 11/20) Pending the issuance of the act of disciplinary penalty to the person under disciplinary liability, no facts or circumstances related to the disciplinary proceedings shall be announced.

Art. 314. (amend. - SG 62/16, in force from 09.08.2016) (1) The disciplinary penalties under **Art. 308, Para 1, Item 1** shall be imposed by a reasoned order of the administrative head to on a judge, prosecutor or investigator under disciplinary liability. Where the disciplinary offence was committed during

the time of commissioning, the penalty shall be imposed by the administrative head of the court or the prosecution authority, where the judge, prosecutor or investigator was commissioned.

(2) (Amend. - SG 11/20) Where in the course of the disciplinary proceedings it is established that there are grounds for imposing a disciplinary penalty under Art. 308, Para 1, Item 2, 3, 4 or 6, the administrative head shall make a reasoned proposal for imposing a penalty to the corresponding collegium of the Supreme Judicial Council.

(3) The disciplinary penalising authority under Para 1 shall notify the corresponding collegium of the Supreme Judicial Council of the imposed penalty under Art. 308, Para 1, Item 1 by sending it the file and the order immediately after notifying it to the person under disciplinary liability.

(4) Within one month from receipt of the order under Para 3 the corresponding collegium of the Supreme Judicial Council may confirm or revoke the imposed penalty.

(5) (Amend. - SG 11/20) Where it finds that there are grounds for replacing the imposed penalty with a more severe one, as well as in the cases under Para. 2, the respective collegium of the Supreme Judicial Council shall continue the disciplinary proceedings in accordance with **Art. 316 - 322**. In these cases, it shall be considered that the proceedings were initiated by the order of the administrative head under **Art. 310, Para. 1**.

(6) (Repealed, - SG, 29/19)

(7) The decision of the corresponding collegium of the Supreme Judicial Council under Para 4 may be appealed as set out in Art. **323**.

Art. 315. (revoked - SG 62/16, in force from 09.08.2016)

Art. 316. (amend. - SG 62/16, in force from 09.08.2016) (1) (Amend. - SG 11/20) The respective collegium of the Supreme Judicial Council shall, with a decision, initiate disciplinary proceedings upon a proposal submitted under Art. **312**. In the cases under **Art. 314, Para. 2**, the respective collegium of the Supreme Judicial Council shall continue the disciplinary proceedings, selecting a disciplinary panel in accordance with this Article.

(2) (New - SG 11/20) Where in the proposal under Art. 312 or Art. 314, Para. 2 there is no statement about what the disciplinary offense consists of, or what circumstances lead to the determination of a disciplinary sanction under **Art. 308, Para. 1, item 2, 3, 4 or 6**, the respective collegium of the Supreme Judicial Council shall not initiate or continue disciplinary proceedings, respectively, and the petitioner shall be advised to eliminate the irregularities within one week.

(3) (Previous Para. 2, amend. - SG 11/20) When initiating the disciplinary proceedings, the corresponding collegium of the Supreme Judicial Council, in accordance with the principle of random selection in the allocation of cases, shall determine among its members a disciplinary panel of three members and a chairman of the panel, who shall be also a rapporteur.

(4) (Previous Para. 3 - SG 11/20) The members by right of the Supreme Judicial Council cannot be members of the disciplinary panel. Until the exhaustion of the elective members of the corresponding collegium former members of a disciplinary panel shall not participate in the selection for the formation of disciplinary panels.

(5) (Previous Para. 4 - SG 11/20) The chairman of the disciplinary panel shall set a date for a session within 7 days from initiation of the disciplinary proceedings.

(6) (Previous Para. 5 - SG 11/20) The plenum of the Supreme Judicial Council shall consider the disciplinary case against its member on the first session following the opening of the disciplinary proceedings.

(7) (Previous Para. 6 - SG 11/20) Copies of the proposals for imposition of a disciplinary penalty and the enclosed written evidence shall be sent to the person under disciplinary liability. The notification shall take place under the order of the **Administrative Procedure Code**.

(8) (Previous Para. 7 - SG 11/20) Within 7 days from receipt of the notification the person under

disciplinary liability may make written objections and submit evidence.

Art. 317. (1) (suppl. - SG 62/16, in force from 09.08.2016) The person under disciplinary liability and the mover of the proposal shall be notified of the session of the disciplinary panel, respectively of the plenum of the Supreme Judicial Council.

(2) After initiation of the disciplinary proceedings the mover may not withdraw the proposal.

Art. 318. (1) (amend. - SG 33/09; suppl. - SG 62/16, in force from 09.08.2016) The sessions of the disciplinary panel, respectively the plenum of the Supreme Judicial Council, shall be conducted behind closed doors.

(2) (Amend. - SG 11/20) The person under disciplinary liability shall be entitled to be represented and supported during the proceedings under this Chapter by a lawyer, or by another judge, prosecutor or investigator pointed out by him.

(3) (amend. - SG 33/09; suppl. - SG 62/16, in force from 09.08.2016) The disciplinary panel, respectively the plenum of the Supreme Judicial Council, shall clarify the facts and the circumstances related to the committed offence and shall be entitled to collect oral, written and material evidence, including by commissioning its members, as well as to hear experts under the order of the **Administrative Procedure Code**.

(4) (suppl. - SG 62/16, in force from 09.08.2016) The mover of the proposal or a representative, authorised by him, the person under disciplinary liability or his defender shall be heard by the disciplinary panel, respectively by the plenum of the Supreme Judicial Council, if present at the session.

Art. 319. (1) (amend. - SG 33/09) Within 14 days of the final session the disciplinary panel shall adopt a decision, establishing the facts subject to evidence, provide an opinion on the circumstances and the legal grounds for imposing a disciplinary penalty and shall make a proposal on the type and size of the penalty.

(2) The decisions of the disciplinary panel shall be adopted with majority of more than half of its members.

Art. 320. (amend. - SG 62/16, in force from 09.08.2016) (1) (Amend. - SG 11/20) Within three days from adopting the decision the disciplinary panel shall present it to the person chairing the respective collegium of the Supreme Judicial Council in order to schedule its hearing.

(2) (Amend. - SG 11/20) The respective collegium of the Supreme Judicial Council shall consider the proposal of the disciplinary panel for imposition of a disciplinary penalty within 30 days from its submission.

(3) The corresponding collegium of the Supreme Judicial Council may:

1. impose the penalty proposed by the disciplinary panel, respectively by the mover of the proposal;
2. reject the proposal for imposition of a disciplinary penalty of the disciplinary panel, respectively of the mover of the proposal, and:

a) refuse imposing a disciplinary penalty;

b) (suppl. – SG, 29/19) impose a milder penalty, including disciplinary penalty under **Art. 308**,

Para. 1, p. 1;

c) impose a more severe penalty;

d) (repealed – SG, 29/19)

(4) The plenum of the Supreme Judicial Council may:

1. reject the proposal of imposing a disciplinary penalty or addressing a proposal to the president of the Republic under **Art. 129, Para 3, Item 5 of the Constitution** of the Republic of Bulgaria;

2. impose a disciplinary penalty on an elective member of the Supreme Judicial Council;

3. make a proposal to the president of the Republic to dismiss an ex lege member of the Supreme

Judicial Council.

(5) In the cases of Para 3, Item 2, Letter "c" the corresponding collegium of the Supreme Judicial Council shall notify the person under disciplinary liability of the proposal to impose a more severe penalty and provide him the opportunity to be heard or to provide written explanations.

(6) (Suppl. - SG 11/20) The decision of the corresponding collegium of the Supreme Judicial Council, with which disciplinary penalty is imposed, shall be adopted by majority of not less than eight votes in the judicial and not less than six votes in the prosecutors collegium, and the decision of the plenum of the Supreme Judicial Council - with not less than seventeen of the votes of its members.

(7) The decision under Para 3 and 4 shall be reasoned. As reasons of the decision shall be considered also the reasons of the decision of the disciplinary panel, where its proposal is adopted, as well as the expressed considerations of the members of the corresponding collegium or of the plenum of the Supreme Judicial Council.

(8) The decision of the corresponding collegium or of the plenum of the Supreme Judicial Council shall be notified immediately under the order of the **Administrative Procedure Code** to the person under disciplinary liability and to the mover of the proposal.

Art. 321. (revoked - SG 62/16, in force from 09.08.2016)

Art. 322. (amend. - SG 62/16, in force from 09.08.2016) The disciplinary penalty shall be considered imposed from the day of notifying the penalised person of the decision of the plenum or the corresponding collegium of the Supreme Judicial Council or from the day of delivery of the order of the administrative head.

Art. 323. (1) (amend. - SG 33/09; suppl. – SG 28/16; amend. - SG 62/16, in force from 09.08.2016, amend. and suppl. - SG 11/20) The decision of the plenum or of the respective collegium of the Supreme Judicial Council may be appealed by the person, on whom is imposed a disciplinary penalty, and by the person who has submitted the proposal - when no disciplinary penalty has been imposed, or the imposed one is more severe than the proposed one, before the Supreme Administrative Court within 14 days of the notification or the delivery of the order.

(2) The appeal shall not suspend the enforcement, unless otherwise decided by the Supreme Administrative Court.

(3) (amend. - SG 62/16, in force from 09.08.2016) The appeal shall be considered by the Supreme Administrative Court, sitting with three members, within two months from its submission to the court.

(4) (amend. - SG 33/09; amend. - SG 62/16, in force from 09.08.2016) The decision of the three member sitting of the Supreme Administrative Court shall be subject to cassation appeal before the Supreme Administrative Court, sitting with five members, within 14 days of its notification. The five-member sitting shall hear the case within two months from submission of the cassation appeal.

(5) (revoked - SG 33/09)

Art. 324. (amend. – SG 103/09, in force from 29.12.2009; amend. - SG 62/16, in force from 09.08.2016) The final decision in the disciplinary proceedings shall be announced on the website of the Supreme Judicial Council.

Art. 325. (1) (suppl. – SG 28/16) Any decision in force of the respective collegium of the Supreme Judicial Council for imposing a disciplinary penalty shall be subject to immediate enforcement.

(2) (new - SG62/16, in force from 09.08.2016) Where a judge, prosecutor or investigator was imposed a penalty under Art. 308, Para 1, Items 1, 2 or 3 for an offence under Art. 307, Para 3, Items 1 or 2, the execution of the penalty may be postponed by the penalising authority for a term of up to 6 months by implementing an individual plan for professional development, including measures for overcoming specific

needs and established deficiencies in the work and the preparation of the judge, prosecutor or investigator.

(3) (new - SG 62/16, in force from 09.08.2016) The individual plan for professional development shall be proposed by the corresponding administrative head or by the disciplinary panel of the corresponding collegium of the Supreme Judicial Council.

(4) (new - SG 62/16, in force from 09.08.2016) After the expiry of the term under Para 2 the corresponding collegium of the Supreme Judicial Council shall adopt a report of the implementation of the individual plan and assess the need of executing the imposed penalty.

(5) (new - SG 62/16, in force from 09.08.2016) The right under Para 2 may be exercised only once within the professional career of a judge, prosecutor or investigator, irrespective of the number of appointments.

(6) (prev. text of Para 02 - SG 62/16, in force from 09.08.2016) Any decision in force for imposing a disciplinary penalty relegation in rank or in office, or dismissal of office as an administrative head or a deputy administrative head shall serve as grounds for reduction of the amount of the salary granted to the judge, prosecutor or investigator, respectively of the lower rank or office for the term of the penalty.

Art. 326. (1) (amend. - SG 62/16, in force from 09.08.2016) Every disciplinary penalty, except the disciplinary dismissal of office, shall be disregarded within one year after being suffered.

(2) (new - SG 62/16, in force from 09.08.2016) The disciplinary penalty under Art. 308, Para 1, Item 5 shall be deleted after three years of its imposition.

(3) (prev. text of Para 02 - SG 62/16, in force from 09.08.2016) The disregard of the disciplinary penalty dismissal of office of an administrative head or a deputy administrative head shall not serve as grounds for reinstatement of the person to the office of which he was dismissed.

(4) (prev. text of Para 03, amend. - SG 62/16, in force from 09.08.2016) The disciplinary penalty, except the disciplinary dismissal of office, may be disregarded before the expiration of the term under Para 1, but not earlier than 6 months from its imposition, by the authority, which has imposed it, provided that the person, to whom it was imposed, has not committed other offences.

(5) (prev. text of Para 04 - SG 62/16, in force from 09.08.2016) The early disregard of the disciplinary penalty shall be made by initiative of the administrative head or the authorities or the persons, who have made the proposal for its imposition.

(6) (prev. text of Para 05 - SG 62/16, in force from 09.08.2016) The disregard shall have effect for the future.

Art. 327. (amend. - SG 33/09; suppl. – SG 28/16; amend. - SG 62/16, in force from 09.08.2016, amend. - SG 11/20) (1) The administrative head may draw the attention of the judges, prosecutors and investigators on the offences committed by them regarding the initiation and course of the cases or regarding the organisation of their work.

(2) The order to pay attention shall be issued pursuant to Art. 314 and may be appealed before the respective administrative court within 14 days of its notification. The decision of the administrative court shall be subject to appeal before a three-member panel of the Supreme Administrative Court.

(3) The administrative head shall send a copy of any order to pay attention entered into force to the respective collegium of the Supreme Judicial Council to attach it to the file of the magistrate.

Art. 328. (amend. - SG 33/09, suppl. - SG 11/20) The rules of the **Administrative Procedure Code** shall apply accordingly, unless special rules are stipulated in **this Chapter**.

Section II.

Disciplinary liability of a state bailiff or a registry judge (New - SG 62/16, in force from 09.08.2016)

Art. 328a. (new - SG 62/16, in force from 09.08.2016) (1) A state bailiff and a registry judge shall

be imposed disciplinary penalties for any committed disciplinary offence.

(2) A disciplinary offence shall be any culpable failure to perform the official duties in the form of:

1. systematic failure to comply with the terms, specified in the laws of procedure;
2. acts or omissions delaying the proceedings without justification;
3. acts or omissions, impairing the prestige of the Judiciary or the appointing body;
4. failure to comply with recommendations under **Art. 270a, Para 3** or **Art. 286a, Para 3**;
5. failure to perform other official duties.

(5) The disciplinary liability shall be imposed irrespective of the civil, criminal or administrative penal liability, if such is provided for.

Art. 328b. (new - SG 62/16, in force from 09.08.2016) (1) The disciplinary penalties for a state bailiff and a registry judge shall be:

1. a note;
2. reduction of the basic employment salary from 10 to 20 per cent for a term from 6 months to one year;
3. warning of dismissal;
4. dismissal.

(2) For the same disciplinary offence shall be imposed a single disciplinary penalty.

Art. 328c. (new - SG 62/16, in force from 09.08.2016) In determining the disciplinary penalty under consideration shall be taken the severity of the offence, the form of guilt, the circumstances, under which the offence was committed, and the behaviour of the offender.

Art. 328d. (new - SG 62/16, in force from 09.08.2016) (1) The disciplinary proceedings shall be initiated by an order of the Minister of Justice within 6 months from finding, but not later than three years from commitment of the offence. After the expiry of these terms, a disciplinary offence shall not be opened.

(2) The disciplinary proceedings shall be concluded within three months from its initiation. The expiration of the term shall not serve as grounds to avoid liability.

(3) Where the offence has the form of a failure to act, the terms under Para 1 shall commence from its establishment. In case of an offence under **Art. 328a, Para 2, Item 3** the terms under Para 1 shall commence from the public announcement of the act.

(4) In case of a disciplinary offence, which simultaneously constitutes a crime, established in a conviction in force or in a ruling in force for termination of the penal proceedings on the grounds of **Art. 24, Para 1, Items 2 and 3 and Para 3** of the Penal Procedure Code, the terms under Para 1 shall commence from entry into force of the conviction or of the ruling.

(5) The terms under Para 1 shall cease during the period of the lawful leave of the person.

Art. 328e. (new - SG 62/16, in force from 09.08.2016) The proposal for imposing a disciplinary penalty on a state bailiff or a registry judge may be made by the chairman of the corresponding regional or district court or by the chief inspector of the Inspectorate at the Ministry of Justice.

Art. 328f. (new - SG 62/16, in force from 09.08.2016) The disciplinary penalty on a state bailiff or a registry judge shall be imposed by the Minister of Justice. Before imposing a disciplinary penalty the Minister of Justice shall hear the person under disciplinary liability offer him the opportunity to submit written explanation or objection to the proposal within 7 days.

(2) When the person under disciplinary liability has not been heard or his written explanation under Para 1 has not been requested, the court shall overturn the imposed disciplinary penalty, without considering the case subject, unless the person has refused to provide explanation or to be heard.

(3) Before entry into force of the order of imposing a disciplinary penalty no facts or circumstances, related to the disciplinary proceedings, shall be announced.

Art. 328g. (new - SG 62/16, in force from 09.08.2016) The disciplinary penalties shall be imposed by a reasoned order of the Minister of Justice.

Art. 328h. (new - SG 62/16, in force from 09.08.2016) The disciplinary penalty shall be considered imposed from the day of notifying the order of the Minister of Justice to the person under disciplinary

liability.

Art. 328i. (new - SG 62/16, in force from 09.08.2016, amend. - SG 77/18, in force from 01.01.2019) (1) The order of the Minister of Justice may be appealed by the person imposed a disciplinary penalty or by the person who has submitted the proposal before the relevant administrative court within 14 days of the notification under the procedure of **Administrative procedure Code**.

(2) The appeal shall not suspend the enforcement, unless otherwise decided by the Supreme Administrative Court.

(3) The appeal shall be considered by the relevant administrative court, sitting with three members, within two months from its submission to the court.

(4) The decision of the relevant administrative court shall be subject to cassation appeal before the Supreme Administrative Court, sitting with three members, within 14 days of its notification and shall be heard within two months from submission of the cassation appeal.

Art. 328j. (new - SG 62/16, in force from 09.08.2016) (1) The disciplinary penalty, except the dismissal, shall be deleted within one year after being suffered.

(2) The disciplinary penalty, except the dismissal, may be deleted by the Minister of Justice before the expiration of the term under Para 1, but not earlier than 6 months from its imposition, provided that the person, to whom it was imposed, has not committed other offences.

(3) The early deletion of the disciplinary penalty shall be made by initiative of the persons, who have made the proposal for its imposition.

(4) The deletion shall have effect for the future.

Art. 328k. (new - SG 62/16, in force from 09.08.2016) Unless otherwise provided by special rules in this Section, shall apply the rules of the **Administrative procedure Code**.

Chapter seventeen. **JUDICIAL VACATION. LEAVES**

Art. 329. (1) The courts shall be in judicial vacation from 15 July by 1 September.

(2) The prosecutors and investigators, the state bailiffs and the registry judges shall not be entitled to a judicial vacation.

(3) During the judicial vacation shall be heard:

1. criminal cases, in which a detention under guard measure has been ruled;
2. the cases concerning support, parental rights in respect of non-adults and concerning illegal dismissal;
3. applications for securing claims, securing evidence, provision of permissions and orders under the **Family Code**, for appointment of a special representative;
4. bankruptcy cases;
5. (SG 102/09, in force from 22.12.2009) cases under the **Protection Against Domestic Violence Act**;
6. cases, in respect of which the law states to be heard within a term shorter than a month;
7. (new - SG 33/09) cases on the adoption of a child;
8. (prev. text of Item 07 - SG 33/09) other cases upon decision of the administrative head of the court or the prosecution authority or the Minister of Justice.

(4) The administrative heads of the court or the prosecution authority shall ensure that there are enough judicial panels and prosecutors during the vacation in order to consider the cases and the applications.

Art. 330. (1) Every judge, prosecutor, investigator, state bailiff or registry judge shall be entitled to a regular paid annual leave of 30 working days and additional leave of one working day for every two years of judicial practice.

(2) The total length of the leave under Para 1 shall not exceed 60 calendar days.

Art. 331. (1) Any judge, prosecutor, investigator, state bailiff or registry judge may be allowed unpaid leave.

(2) The unpaid leave of up to 30 working days in the calendar year shall counted as judicial practice.

Art. 332. (1) Every judge, prosecutor, investigator, state bailiff or registry judge shall be entitled to a leave:

1. for entering into marriage - for two working days;
2. in case of blood donation - for the day of examination and blood donation, as well as the day after;
3. in case of death of a parent, child, spouse, brother, sister or a parent of the spouse, as well as of other relatives of direct lineage without limits - for two working days;
4. where summoned to the court as a party or a witness;
5. for the duration of the training and participation in the voluntary formations under the **Disaster Protection Act**.

(2) (Amend. – SG 20/12, in force from 10.06.2012, amend. – SG 109/20, in force from 22.12.2020) A judge, prosecutor, investigator, state bailiff or registry judge shall also be entitled to unpaid leave when summoned to perform active service in the voluntary reserve or when performing fixed-term service in the voluntary reserve - for the duration of the service, including the day of departure and return. If the active service in the voluntary reserve lasts more than 25 calendar days, as well as for the duration performing fixed-term service in the voluntary reserve, the judge, prosecutor, investigator, state bailiff or registry judge shall be entitled to unpaid leave of two calendar days before departure and two days upon return.

(3) (Amend. – SG 109/20, in force from 22.12.2020) The salary for the occupied position shall be due during the leaves under Para 1, Item 1 - 3, and under Para 1, Items 4 and 5 - according to the stipulations of the special laws, and under Para. 2, remuneration shall be paid at the expense of the budget of the Ministry of Defense.

Art. 333. Every judge, prosecutor, investigator, state bailiff or registry judge shall be entitled to leaves for temporary lack of working ability, for pregnancy, for birth and adoption, for raising a small child, for nurture and nursing of a small child, in case of death or serious illness of a parent under the conditions, under the order and in the extent, provided for in the **Labour Code** and the **Code of Social Insurance**.

Art. 334. (1) (amend. - SG 49/18) During the time a judge, prosecutor, investigator, state bailiff, registry judge or judicial official participates in trainings for raising the qualification or re-qualification, they shall be entitled to a paid leave of office.

(2) During the election campaign, when a judge, prosecutor, investigator, state bailiff or registry judge has applied for a mandate position in the state authorities, he shall be entitled to paid or non-paid leave of office.

(3) Every judge, prosecutor, investigator, state bailiff or registry judge, who has been sent for qualification improvement by a judiciary authority or by the Minister of Justice for more than three months, shall be obliged to work in the relevant authority for at least three years after his return. If the person in question terminates his legal relations before the expiration of the term, he shall be due the entire amount, he was granted for the leave.

Art. 335. Every judge, prosecutor, investigator, state bailiff or registry judge shall be entitled to leaves under conditions, order and in extent, as provided for in the **Labour Code**.

Art. 336. Every judge, prosecutor or judicial official shall take their paid annual leave during the

judicial vacation, and where impossible - in another time of the year.

Art. 337. Upon decision of the administrative head any judge, prosecutor, investigator, state bailiff, registry judge or judicial official shall not take their leave, except in case of temporary work inability, while they have not drafted their acts and return the cases assigned to them.

Art. 338. The leave, except in case of temporary work inability, shall be permitted by:

1. the chairman of the district court - in respect of the judges of the district court, the state bailiffs and the registry judges;
2. the chairman of the regional court - in respect of the judges of the regional court and the chairmen of the district courts;
3. the chairman of the military court - in respect of the judges of the military court;
4. (new – SG 01/11, in force from 04.01.2011, repealed – SG, 32/22. In force from 27.07.2022);
5. (prev. text of Item 04 – SG 01/11, in force from 04.01.2011) the chairman of the administrative court - in respect of the judges of the administrative court;
6. (prev. text of Item 05 – SG 01/11, in force from 04.01.2011) the chairman of the appellate court - in respect of the judges of the appellate court and the chairmen of the regional courts;
7. (prev. text of Item 06 – SG 01/11, in force from 04.01.2011) the chairman of the military-appellate court - in respect of the judges of the military-appellate courts and the chairmen of the military courts;
8. (new – SG 01/11, in force from 04.01.2011, repealed – SG, 32/22, in force from 27.07.2022);
9. (prev. text of Item 07, suppl. – SG 01/11, in force from 04.01.2011, amend. – SG, 32/22, in force from 27.07.2022) the President of the Supreme Court of Cassation - for the judges of the Supreme Court of Cassation and for the Presidents of the Courts of Appeal and the Court of Military Appeal;
10. (prev. text of Item 08 – SG 01/11, in force from 04.01.2011) the chairman of the Supreme Administrative Court - in respect of the judges of the Supreme Administrative Court and the chairmen of the administrative courts;
- 10a. (new - SG 62/16, in force from 09.08.2016) a district prosecutor - in respect of the prosecutors at the district prosecution authority;
11. (suppl. - SG 33/09; prev. text of Item 09 – SG 01/11, in force from 04.01.2011; amend. - SG 62/16, in force from 09.08.2016) the regional prosecutor - in respect of the prosecutors at the regional prosecution authority and the investigators in the regional investigation department and the administrative heads of the district prosecution authority;
12. (prev. text of Item 10 – SG 01/11, in force from 04.01.2011; amend. - SG 62/16, in force from 09.08.2016) the appellate prosecutor - in respect of the prosecutors at the appellate prosecution authorities and the heads of the regional prosecution authorities;
13. (prev. text of Item 11 – SG 01/11, in force from 04.01.2011) the military-regional prosecutor - in respect of the prosecutors at the military-regional prosecution authorities and military investigators;
14. (prev. text of Item 12 – SG 01/11, in force from 04.01.2011) the military-appellate prosecutor - in respect of the prosecutors at the military-appellate prosecution authority and military-regional prosecutors;
15. (new – SG 01/11, in force from 04.01.2011, repealed – SG, 32/22, in force from 27.07.2022);
16. (amend. - SG 33/09; prev. text of Item 13, suppl. – SG 01/11, in force from 04.01.2011, amend. – SG, 32/22, in force from 27.07.2022) the Prosecutor General - for the prosecutors in the Supreme Cassation Prosecutor's Office and the Supreme Administrative Prosecutor's Office, for the appellate prosecutors and the military appellate prosecutor and the Director of the National Investigation Service;
17. (amend. - SG 33/09; prev. text of Item 14 – SG 01/11, in force from 04.01.2011) the director of the National Investigation Service - in respect of the investigators from the National Investigation Service.

Art. 339. The **Labour Code** shall apply to the questions not regulated in this Chapter.

Chapter eighteen.

ADMINISTRATION OF THE JUDICIARY AUTHORITIES

Art. 340. (1) (Suppl. – SG 01/11, in force from 04.01.2011) For exercising their capacities the Supreme Judicial Council, the Inspectorate at the Supreme Judicial Council, the National Institute of Justice and the judiciary authorities shall be assisted by an administration.

(2) (Amend. - SG 33/09; amend. and suppl. – SG 01/11, in force from 04.01.2011, amend. – SG 32/22, in force from 27.07.2022, suppl. - SG 62/22) The administration of the judicial power bodies shall be the administration of the Supreme Court of Cassation, the Supreme Administrative Court, the Prosecutor General, the Supreme Cassation Prosecutor's Office, the Supreme Administrative Prosecutor's Office, the National Investigation Service, the courts, the prosecutor's offices, the European delegated prosecutors and the district investigation departments.

(3) (Amend. – SG 01/11, in force from 04.01.2011) The employees at the administration of the Supreme Judicial Council, the Inspectorate at the Supreme Judicial Council, the National Institute of Justice and the judiciary authorities shall be judicial officials.

Art. 340a. (new - SG 49/18) (1) For judicial official may be appointed person, who:

1. is a Bulgarian national who is a citizen of another Member State of the European Union, of another State party to the Agreement on the European Economic Area or of the Swiss Confederation;
2. has reached the age of majority;
3. is not placed under guardianship;
4. has not been sentenced to imprisonment for a deliberate crime of a general nature;
5. is not deprived of the right to occupy a particular post;
6. meets the minimum requirements for degree and level of education and professional experience, as well as the specific requirements laid down in the statutory instruments for occupying the respective position.

(2) Can not be appointed as a judicial officer a person, who:

1. would be a hierarchical relationship of leadership and control with a spouse, with a person with whom he/she is in factual cohabitation, relative of direct lineage, of peripheral lineage of up to fourth degree or a relative-in-law – up to third fourth inclusive;
2. is a sole trader, an unlimited liability partner in a trading company, a manager, a commercial agent, a commercial representative, a procurator, a commercial broker, a liquidator or a trustee, a member of a management or control body of a commercial company or cooperative.
3. is a councillor in the Municipal Council;
4. holds a leading or supervisory position in a political party;
5. works under an employment relationship with another employer, except as a teacher in a higher education institution;
6. is an attorney at law, a notary, a private bailiff, or another freelance profession.

(3) Only persons with higher education can be appointed to managerial and expert positions.

(4) Where any of the grounds for incompatibility under para. 2 arises, the judicial official is obliged to inform the employer within 7 days.

(5) The employment relationship with the judicial official shall be terminated without prior notice when:

1. an impediment under para. 1 occurs;
2. incompatibility under para. 2; when the incompatibility is under para. 2, item 1, the employment relationship is terminated with one of the two employees at the discretion of the employer;
3. failure to fulfil the obligation under para. 4.

(6) The employer may terminate the employment relationship without prior notice with the judicial official received the lowest annual assessment of the performance of the post within one month of receipt of the final evaluation.

Art. 341. (amend. – SG 28/16) (1) The collegia of the Supreme Judicial Council shall issues after consultation with the Budget and Finance Committee a Classification of the positions of the respective judiciary authorities, which shall specify the names of the positions, the minimum educational degree and other requirements for the respective position, the remuneration for the position, the rank of the position and the remuneration for rank.

(2) The number of the judicial officials in the judiciary authorities shall be determined by the collegia upon proposal by the respective administrative head in accordance with the work-load level of the judiciary authority and after consultation with the Budget and Finance Committee.

(3) The plenum of the Supreme Judicial Council shall issue a Classification of the positions in the administration at the Supreme Judicial Council and the National Institute of Justice, and following consultation with the chief inspector – also at the Inspectorate at the Supreme Judicial Council. The classification shall specify the names of the positions, the minimum educational degree and other requirements for the respective position, the remuneration for the position, the rank of the position and the remuneration for rank.

(4) The number of judicial officials 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 at the proposal of the respective head. The size of the administration at the Inspectorate at the Supreme Judicial Council shall be approved by the chief inspector taking into account the work-load of the body and its budget.

Art. 342. (1) (Amend. - SG 33/09; amend. – SG 28/16, suppl. - SG 62/22) Upon proposal by each of the collegia the plenum of the Supreme Judicial Council shall adopt regulations for the administration of the respective judiciary authorities. Upon proposal by the European prosecutor from Bulgaria in the collegium of the European Prosecutor's Office, the plenary session of the Supreme Judicial Council shall adopt regulations for the administration of the European delegated prosecutors.

(2) (amend. - SG 33/09) The regulations shall specify the administration units, their functional characteristics, the organization of the work of the administration of the judiciary authorities, the list of positions, the model position characteristics of the judicial officials, the order of conducting the contests, the incompatibility conditions for judicial officials and the appointing authorities.

(3) The regulations shall be promulgated in the State Gazette.

Art. 343. (1) The judicial officials, whose work is related to the exercise of the competences of the authorities under **Art. 340, Para 1**, shall be appointed after a contest.

(2) (suppl. – SG 01/11, in force from 04.01.2011) In case of appointment of a judicial official to another position at the Supreme Judicial Council, the Inspectorate of the Supreme Judicial Council, the National Institute of Justice or the same judiciary authority, as well as in case of their transfer, a contest shall not be conducted.

Art. 343a. (new - SG 49/18) On taking up office, as well as every year until May 15, the judicial official is obliged to submit to the employer a declaration of property and interests under **Art. 35 of the Act on Counteracting Corruption and on Seizure of Illegally Acquired Property**.

Art. 344. The appointing authority shall be obliged to provide to the judicial official the conditions necessary to perform his official duties, as well as for raising his qualification or re-qualification.

Art. 345. (1) The judicial official shall be obliged to perform his duties in good faith and accurately according to the characteristics of his position.

(2) Any additional duties may be temporarily assigned to the judicial official - up to 45 working day in the year in case of official necessity.

(3) In case of official necessity the judicial official shall be obliged to perform his official duties also overtime.

(4) (suppl.- SG 62/16, in force from 09.08.2016) In case of performance of the official duties during the rest days and holidays according to the instructions of the relevant head, the judicial official shall be entitled to additional salary in amount determined by the plenum of the Supreme Judicial Council.

(5) (New – SG 90/17, in force from 01.01.2018, repealed, - SG, 32/22, in force from 27.07.2022)

Art. 346. The judicial official shall be obliged to keep as an official secret the information, which has become available to him in relation to his duties and affects the interests of the citizens, the legal persons and the state.

Art. 347. During performance of their official duties and in the social life every official shall keep behaviour, which does not impair the prestige of the judiciary.

Art. 348. Every judicial official shall be entitled to a basic monthly salary, specified for the occupied position, amounting to 80 percent of the salary of the judicial administrator at most.

Art. 349. (1) The rank shall reflect the level of professional qualification of the judicial official.

(2) The ranks of the judicial officials shall be from first to fifth in ascending degree. In the cases of initial appointment in the judiciary authorities, the judicial official shall be granted the lowest rank for the respective position, determined in the classification under **Art. 341**.

(3) (Amend. – SG, 29/19) The conditions and procedure of granting the ranks and for promotion and lowering the rank shall be determined in the Rules under **Art. 342, Para 1**.

Art. 350. (amend. - SG 62/16, in force from 09.08.2016) The plenum of the Supreme Judicial Council shall determine the duration of the annual leave of the judicial official and the amount of the additional paid annual leave for overtime work and for performance of additional duties by the judicial official.

Art. 351. (1) The mandatory social and health insurance of the judicial officials shall be made at the expense of the judiciary budget.

(2) The judicial officials shall be insured against accidents at the expense of the judiciary budget.

Art. 352. The judicial official shall be paid annually a sum for clothes, amounting up to two average monthly salaries of the persons, occupied in the budget sphere.

Art. 353. The judicial officials shall identify themselves with an official card, when performing their official duties.

Art. 354. In case of dismissal of office every judicial official, who has become entitled to a pension for insurance length and age, shall have the right to a single pecuniary compensation amounting to as many gross monthly salaries, as the number of the years of service in the judiciary authorities, but no more than 10 gross monthly salaries.

Art. 355. (1) The administration of the Supreme Judicial Council shall be managed by a chief secretary.

(2) A chief secretary of the Supreme Judicial Council may be appointed any person, meeting the

requirement under **Art. 164, Para 2.**

(3) The chief secretary shall be appointed by a decision of the Supreme Judicial Council after a contest.

(4) While exercising his competences, the chief secretary of the Supreme Judicial Council shall not be a member of political parties or coalitions, organizations of political purposes, as well as exercise political activity.

(5) The chief secretary shall:

1. appoint and dismiss the employees in the administration at the Supreme Judicial Council;
2. manage the human resources in the administration of the Supreme Judicial Council;
3. exercise methodical management and control in respect of the judicial administrators.

(6) The chief secretary shall be entitled to a basic salary amounting to 80 percent of the salary of a judge in the Supreme Court of Cassation.

(7) (amend. – SG 01/11, in force from 04.01.2011) The term, served as a chief secretary of the Supreme Judicial Council, shall be considered practice in the sense of **Art. 164, Para 1 - 7.**

(8) (amend. – SG 28/16) The administration units of the Supreme Judicial Council, the functional characteristics, the lists of positions, the model position characteristics of the employees and the organization of the work of the administration shall be determined in the regulations under **Art. 30, Para 2, Item 15.**

Art. 356. (1) The administration of the Inspectorate at the Supreme Judicial Council shall be managed by a chief secretary.

(2) A chief secretary may be appointed any person, meeting the requirement under **Art. 164, Para 2.**

(3) The chief secretary shall be appointed by a decision of the chief inspector after a contest.

(4) While exercising his competences, the chief secretary of the Inspectorate at the Supreme Judicial Council shall not be a member of political parties or coalitions, organizations of political purposes, as well as exercise political activity.

(5) The chief secretary shall:

1. (amend. - SG 33/09) propose to the Chief Inspector to appoint and dismiss the employees in the administration at the Inspectorate at the Supreme Judicial Council;
2. manage the human resources in the administration of the Inspectorate at the Supreme Judicial Council.

(6) The chief secretary shall be entitled to a basic salary amounting to 80 percent of the salary of a judge in the Supreme Court of Cassation.

(7) (amend. – SG 01/11, in force from 04.01.2011) The term, served as a chief secretary of the Inspectorate at the Supreme Judicial Council, shall be considered practice in the sense of **Art. 164, Para 1 - 7.**

(8) (amend. – SG 01/11, in force from 04.01.2011; amend. - SG 62/16, in force from 09.08.2016) The administration units of the Inspectorate at the Supreme Judicial Council, the functional characteristics, the lists of positions, the model position characteristics of the employees and the organization of the work of the administration shall be determined in the regulations under **Art. 55, Para 8.**

Art. 357. (1) (amend. - SG 33/09) The administrations of the Supreme Court of Cassation, of the Supreme Administrative Court and of the Chief Prosecutor shall be managed by chief secretaries.

(2) The administrations of the courts and the prosecution authorities shall be managed by judicial administrators.

(3) (amend. - SG 33/09) The appointment of a chief secretary and judicial administrator shall be carried out after a contest, organized by the administrative head of the respective judiciary authority.

(4) (amend. - SG 33/09) The contest shall be conducted by a commission of three to five members

appointed by an order in writing of the administrative head of the judiciary authority, where the contest for a chief secretary or a judicial administrator has been announced.

(5) While exercising their competences, the chief secretary and the judicial administrator shall not be members of political parties or coalitions, organizations of political purposes, as well as exercise political activity.

(6) The requirements for occupying the position of a chief secretary or of a judicial administrator shall be determined in the regulations under **Art. 342, Para 1**.

(7) (amend. - SG 62/16, in force from 09.08.2016) The chief secretary and the judicial administrator shall:

1. where authorised by the corresponding administrative head, represent the court and the prosecution authority in its peer relations with government institutions and private persons;

2. head the general and specialised administration;

3. prepare the payroll of the administration and propose it for approval by the corresponding administrative head;

4. introduce programme solutions of long-term planning, the budget policy, the finance, the automation, the equipment supply and the public relations;

5. prepare information, summaries and statistical data in electronic form according to samples and within terms approved by the plenum of the Supreme Judicial Council and submit them to the Supreme Judicial Council and the Minister of Justice;

6. in the end of every six months prepare and submit to the corresponding administrative head summarised information on the opening, progress and finalisation of the files and cases, information of finally revoked acts by upper instances, as well as information of the opening, progress and finalisation of the files and cases of state bailiffs and registry judges;

7. organise the publication of the acts in force on the website of the corresponding court.

(8) The chief secretary shall be entitled to a basic salary amounting to 80 percent of the salary of a judge in the Supreme Court of Cassation.

(9) (Amend. - SG 11/20) The judicial administrator shall be entitled to a basic remuneration in the amount defined in the Classification of Positions in the administration of the courts under **Art. 341, Para. 1**.

(10) (new – SG 01/11, in force from 04.01.2011) The period served as a chief secretary of the Supreme Court of Cassation, of the Supreme Administrative Court and of the Chief Prosecutor shall be deemed practice in the sense of **Art. 164, Para 1 – 7** for persons with higher legal education.

Art. 358. (1) The activity of the judiciary authorities, related to informing the society and providing the relations with the mass media shall be assisted by press services.

(2) (amend. - SG 62/16, in force from 09.08.2016) The status, the rights and the obligations of the employees in the press services shall be established in the regulations under **Art. 55, Para 8** and **Art. 342, Para 1**.

Art. 358a. (new – SG 01/11, in force from 04.01.2011) (1) The judicial officials may be stimulated with distinctions or awards for high professionalism, exemplary performance of the official duties and high moral qualities.

(2) The distinctions shall be:

1. official gratitude and a certificate;

2. early promotion in rank.

(3) The award in amount up to the basic monthly salary shall be:

1. monetary;

2. an item.

(4) The distinction may be accompanied by an award.

Art. 358b. (new – SG 01/11, in force from 04.01.2011) (1) (suppl. - SG 65/17) The judicial officials may freely form and participate in organisations, protecting their professional interests.

(2) The organisations referred to in Para 1 may not participate in federations and confederations of syndicates of employees.

Art. 359. To the questions not regulated by this Chapter regarding the judicial officials shall apply the **Labour Code**.

Art. 360. (1) (revoked - SG 62/16, in force from 09.08.2016)

(2) Where a lawsuit or a file, which has not yet been concluded, has to be attached to another lawsuit, a full photocopy shall be made of all the materials and they shall be certified by the authority, at which the proceedings are pending, and the copy shall be send in order to be attached.

Chapter eighteen "a".

CERTIFICATION STATEMENTS AND PROCEDURAL ACTS IN ELECTRONIC FORM (NEW - SG 62/16, IN FORCE FROM 09.08.2016)

Section I.

General Rules (new - SG 62/16, in force from 09.08.2016)

Art. 360a. (new - SG 62/16, in force from 09.08.2016) The Judiciary authorities shall make certification statements, issue acts and perform other procedural activities provided in a law in electronic form.

Art. 360b. (new - SG 62/16, in force from 09.08.2016) (1) (Amend. - SG 15/22, in force from 22.02.2022) The Judiciary authorities shall use information systems approved by the plenum of the Supreme Judicial Council in coordination with the Minister of Justice and the Minister of the e-Government.

(2) The Judiciary authorities shall use information systems giving uniform time as set out in the **Electronic Government Act**.

Art. 360c. (new - SG 62/16, in force from 09.08.2016) (1) The plenum of the Supreme Judicial Council, after consultation with the Minister of Justice, shall create and maintain a **single portal for electronic justice**.

(2) (In force from 01.07.2021) The single portal for electronic justice shall be an information system, which enables the following:

1. applying for certification statements in electronic form;
2. performing procedural acts in electronic form;
3. delivery of notifications and summons;
4. access to the electronic files and public registers maintained by the judiciary authorities.

(3) Through the single portal for electronic justice shall be enabled free and public access to the protocols and statistics on the random selection in the allocation of cases, provided by in a law or other normative act.

(4) Through the single portal for electronic justice may be provided access also to other information and functionalities.

Art. 360d. (new - SG 62/16, in force from 09.08.2016) The Judiciary authorities shall maintain websites within the **single portal for electronic justice**.

Art. 360e. (new - SG 62/16, in force from 09.08.2016) The Judiciary authorities shall provide through their websites unimpeded, free, direct and permanent electronic access to the following information:

1. name of the Judiciary authority;
2. address of the Judiciary authority;

3. contact data, including a telephone and electronic address;
4. telephone number, where the persons may receive information of the way to perform procedural acts in electronic form and assistance for the required technical steps to be undertaken;
5. unique identifier of the judiciary authority;
6. information on the bank accounts and the electronic payment methods of state fees, expenses and other debts to the judiciary authorities;
7. other information provided for in a normative act or an act of the Supreme Judicial Council.

Art. 360f. (new - SG 62/16, in force from 09.08.2016) (1) (Amend. - SG 15/22, in force from 22.02.2022) The plenum of the Supreme Judicial Council after consultation with the Minister of Justice and the Minister of the e-Government shall issue an ordinance determining:

1. the requirements to the websites of the Judiciary authorities;
2. the technical requirements for performing procedural act and certification statements in electronic form and the manner of performing them;
3. the formats and the technical requirements to be met by the electronic documents sent to and from the Judiciary authorities, as well as the methods of their submission by the citizens and the organisations;
4. the formats of the scanned documents and the other electronic evidence stored in the electronic files;
5. the methods of electronic payment of state fees, expenses and other debts to the Judiciary authorities;
6. the technical requirements to the consumer, machine and other interfaces of the information systems used by the Judiciary authorities;
7. the electronic addresses to which can be sent electronic statements of the Judiciary authorities depending on the determined methods of performing procedural acts and certification statements.

(2) The ordinance under Para 1 shall be published on the websites of the [Supreme Judicial Council](#) and of the [Ministry of Justice](#) and of the [single portal for electronic justice](#).

Art. 360g. (new - SG 62/16, in force from 01.07.2021) (1) The statements and acts filed with the judiciary authorities on paper and any documents and information on paper shall be entered into the information system of the judiciary authorities by taking an electronic image in a type and manner that permits reproduction.

(2) The documents and information provided on electronic carrier filed electronically or entered into the information system of the judiciary authorities shall be processed and stored in a manner guaranteeing prevention of errors, manipulation and loss.

(3) The full and accurate correspondence of the taken electronic image with the original as well as the entered electronic information shall be certified by officials determined by the administrative head of the judiciary authority. The certification shall be performed by placing the official's signature on the paper carrier, and on the entered electronic images - by signing them with the electronic signature of the official.

(4) Unless proved otherwise, the electronic documents and information, created in the way referred to in Para 1, shall be deemed identical to the filed, respectively entered electronic documents, and the information under Para 2.

(5) The filed documents and the information carriers shall be returned to the filing person immediately after their entry into the system.

(6) The plenum of the Supreme Judicial Council shall enable technologically and technically the performance of the activities under Para 1 and 2 by the judiciary authorities.

Art. 360h. (new - SG 62/16, in force from 09.08.2016) (1) (In force from 01.07.2021) At the performance of a procedural act that initiates separate proceedings, a new case shall be opened in the information system of the judiciary.

(2) The electronic case shall be a set of related electronic records in the information system of the judiciary authority containing all electronic documents and information created or provided by the

participants in the proceedings and the judiciary authorities in relation to exercised procedural rights or certification statements, all electronic documents and evidence under Art. 360g and other data processed by the judiciary authority in relation to the proceedings.

(3) The judiciary authorities shall enable the storage of evidence, for which the material carrier is of significance, and also such evidence which by its nature cannot be transformed in electronic form under Art. 360g.

(4) The judiciary authorities shall provide to the person having the right to access the cases remote, uninterrupted and free electronic access to the electronic cases and technologies and means to access the electronic cases in the premises of their administrations. The persons shall be provided also access to the evidence under Para 3.

(5) The judiciary authorities shall ensure the maintenance and storage of the electronic cases in a manner, which does not allow the accidental or illegal destruction of information in them and shall not allow illegal access, modification or distribution. For each electronic case shall be stored information of the persons and the electronic addresses, from which the case is accessible, the time of the access, as well as the actions performed in relation to the case in the information system of the judiciary authorities.

(6) The judiciary authorities shall ensure through certain officials from their administrations assistance to the persons, who request access to the electronic cases.

(7) The entire or part of the electronic case may be reproduced in the necessary number of documents on paper to be considered official copies after certification by an official authorised by the administrative head of the corresponding judiciary authority. For the reproduction shall be collected the fee for making copies.

(8) At the request of the persons with the right to access the case, the judiciary authorities shall provide a non-certified copy of the entire or a part of the electronic case, reproduced on paper. For the reproduction shall be collected the fee for making copies.

(9) The fees under Para 7 and 8 shall not be due in the cases of exemption under Art. 83 of the Code of Civil Procedure and in other cases provided by a law.

Art. 360i. (new - SG 62/16, in force from 09.08.2016) The organisation and the manner of keeping, storing and access to the electronic cases and the manner of storing the evidence and the evidentiary means in the cases, as well as the internal exchange and storage of other information processed by the judiciary administration shall be determined in an ordinance adopted by the plenum of the Supreme Judicial Council in coordination with the Minister of Justice.

Art. 360j. (new - SG 62/16, in force from 09.08.2016) The plenum of the Supreme Judicial Council shall determine in regulations the internal order of using an electronic signature and electronic identification by the judiciary authorities.

Section II.

Exchange of Electronic Documents (New - SG 62/16, in force from 09.08.2016)

Art. 360k. (new - SG 62/16, in force from 09.08.2016) (1) The judiciary authorities shall exchange with each other electronic cases and electronic documents automatically and electronically under the conditions of interoperability and information security.

(2) The judiciary authorities shall be obliged to use unified standards and rules determined in the ordinance under Art. 360f, Para 1, establishing technological and functional parameters supported by their information systems to achieve interoperability and information security.

(3) The interoperability and information security requirements, including the requirements for interface, exchange standards, formats of transmitted electronic documents and the manner of exchange shall be determined in the ordinance under Art. 360f, Para 1.

Art. 360l. (new - SG 62/16, in force from 01.07.2021) (1) The judiciary authorities shall exchange automatically and electronically electronic documents with persons exercising public functions, with the organisations providing public services and with the administrative authorities as set out in the Electronic

Government Act.

(2) The persons, organisations and the administrative authorities under Para 1 shall be obliged to provide internal electronic administrative services to the judiciary authorities.

(3) The rules on interoperability and the secure exchange of electronic documents under Para 1 and 2 shall be determined in the ordinance under **Art. 360f, Para 1.**

Section III.

Register of the Judicial Acts (New - SG 62/16, in force from 09.08.2016)

Art. 360m. (new - SG 62/16, in force from 09.08.2016) (1) The register of the judicial acts, hereinafter referred to as the "register", shall be an electronic database containing the acts putting an end to the proceedings before the corresponding instance or may be appealed separately.

(2) The register shall be a part of the single information system of the courts and shall be kept and stored in a manner guaranteeing the integrity, accessibility and safety of the information therein.

Art. 360n. (new - SG 62/16, in force from 09.08.2016) (1) In the register shall be announced acts and shall be made other notes in the cases provided by the law.

(2) Each court shall announce its acts in the register immediately.

(3) Not subject to announcement in the register shall be the acts disclosing a secret protected by the law and the reasons thereto and other acts determined by the plenum of the Supreme Judicial Council.

Art. 360o. (new - SG 62/16, in force from 09.08.2016) At the announcement of a subsequent act related to a previous act of the same authority, the link between the two acts shall be indicated in the register.

Art. 360p. (new - SG 62/16, in force from 09.08.2016) The announcement shall be made by consistently entry into the register of the data from the corresponding act.

Art. 360q. (new - SG 62/16, in force from 09.08.2016) (1) Access to the acts announced in the register shall have the participants in the proceedings, the persons authorised by them or by the law.

(2) (Amend. - SG 17/19) Anyone shall have the right to open and free access to the acts announced in the register in compliance with the requirements for the protection of personal data.

Art. 360r. (new - SG 62/16, in force from 09.08.2016) 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.

Section IV.

Information system of court enforcement (New – SG 86/20)

Art. 360s. (New – SG 86/20) (1) The Ministry of Justice shall build and maintain an Information system of court enforcement. The right of access to the information system and the data collected and entered therein shall be determined by an ordinance issued by the Minister of Justice.

(2) The bailiffs shall be obliged to send data daily from the incoming register, the outgoing register, the register of the filed cases, respectively the inventory book, and the diary of the performed actions, to the information system of court enforcement under Para. 1. The data may be submitted automatically by the information systems used by the bailiffs concerned. The data shall be submitted in order and in a format determined by the ordinance under Para. 1.

(3) Through the information system of court enforcement under Para. 1 the Ministry of Justice shall provide electronic administrative services to the participants in the enforcement proceedings in compliance with the requirements of the **Electronic Government Act.**

(4) The access to the information system ex officio of the state bodies, the bodies of the local self-government and the local administration, and the persons, to whom the exercise of a public function is assigned, shall be free of charge.

(5) On the basis of the data contained in the information system under Para. 1, the Ministry of Justice shall provide electronic administrative services for making inquiries on the movement of

enforcement cases electronically to the persons who have a legal basis for access to the information. The services shall be requested through the electronic portal of the Ministry of Justice. For the provision of services, the Ministry of Justice shall collect fees in amounts determined by a tariff of the Council of Ministers.

Chapter nineteen.

BUDGET OF THE JUDICIARY

Art. 361. (1) The independent budget of the judiciary shall be a part of the state budget.

(2) The budget of the judiciary shall consist of the budgets of the Supreme Judicial Council, of the Inspectorate at the Supreme Judicial Council, of the judiciary authorities - legal persons, and of the National Institute of Justice.

(3) (amend. - SG 33/09; suppl. - SG 62/16, in force from 01.01.2018, amend. enforcement date – SG 76/16, in force from 09.08.2016, amend. – SG 90/17, in force from 01.01.2018) The budget of the judiciary shall include all revenue of the activities of the judiciary authorities and of the National Institute of Justice, the expenses for support of the judiciary authorities, of the Inspectorate at the Supreme Judicial Council and of the National Institute of Justice, except the expenses which by virtue of this Act shall be assigned to the budget of the Ministry of Justice, the relations with the central budget and other budgets and the financing of the budget balance.

(4) (new - SG 33/09) The failure to fulfil the income prescribed in the judiciary budget for the respective year shall be compensated by the available amounts from the preceding year and additional subsidy from the central budget.

Art. 362. (amend. - SG 33/09; amend. – SG 28/16) The Minister of Justice shall propose a draft budget of the judiciary and shall submit it for discussion to the plenum of the Supreme Judicial Council.

Art. 363. The draft judiciary budget shall be accompanied by calculations for the following two years.

Art. 364. (1) (suppl. – SG 28/16) The Minister of Justice shall submit to the National Assembly the draft law on the state budget of the Republic of Bulgaria for the year together with the draft judiciary budget, proposed by the plenum of the Supreme Judicial Council, accompanied by detailed reasoning.

(2) (amend. - SG 15/13, in force from 01.01.2014; suppl. – SG 28/16) When adopting the state budget the National Assembly shall hear a report of the plenum of the Supreme Judicial Council, presented by its representative.

(3) The National Assembly shall adopt the judiciary budget, distributed between the Supreme Judicial Council, the Inspectorate at the Supreme Judicial Council, the judiciary authorities and the National Institute of Justice.

Art. 365. (amend. - SG 33/09; amend. – SG 28/16) The plenum of the Supreme Judicial Council shall arrange the performance of the judiciary budget through the Inspectorate at the Supreme Judicial Council, the Supreme Court of Cassation, the Supreme Administrative Court, the courts, the Chief Prosecutor and the National Institute of Justice.

Art. 366. (1) (amend. – SG 28/16) The plenum of the Supreme Judicial Council shall draw up an annual report on the cash performance of the judiciary budget according to a complete budget classification, which shall be included in the summary report on the performance of the state budget as an integral part of it.

(2) The report under Para 1 shall be included by the Ministry of Finance when drawing up a report

on the performance of the state budget.

(3) (suppl. – SG 28/16) Annually, together with the report on the performance of the state budget, The Council of Ministers shall submit to the National Assembly also the report on the performance of the judiciary budget, adopted by the plenum of the Supreme Judicial Council, accompanied by detailed reasoning.

Art. 367. The Supreme Judicial Council shall arrange the development and ensure the functioning of the system of financial management and control in the judiciary authorities and the internal audit of the assimilation and administration of the budget funds.

Chapter twenty . COOPERATION BETWEEN THE JUDICIARY AND THE EXECUTIVE

Section I. General Provisions

Art. 368. The cooperation between the judiciary and the executive powers shall be conducted through the Minister of Justice and the administration of the Ministry of Justice.

Art. 369. The Minister of Justice shall carry out his competences, stipulated in the **Constitution**, through the activities, provided for in this Act.

Art. 370. (1) The cooperation between the authorities of the judiciary and the Supreme Judicial Council and the authorities of the executive shall be conducted in the following directions:

1. judicial activity;
2. preparing draft laws and acts of secondary legislation related to the judicial system and to the activities within the limits of the competences of the Minister of Justice;
3. professional qualification;
4. information technologies;
5. (amend. - SG 109/08) crime resistance;
6. management of the property of the judiciary;
7. activities, related to the drafting of the judiciary budget;
8. security;
9. activities, related to the state and private bailiffs, to the public notaries, to the registry judges and to the syndics;
10. international cooperation.

(2) The functions and organization of the work of the relevant structural units of the Ministry of Justice shall be determined in this Act and in the Structural Regulations of the Ministry of Justice.

Art. 371. (revoked - SG 109/08)

Section II. Inspectorate of the Minister of Justice

Art. 372. (amend. – SG 01/11, in force from 04.01.2011) (1) There shall be an Inspectorate at the Minister of Justice, which shall:

1. inspect the activities of the state and private bailiffs, of the registry judges, including the

activities of initiation, progress and conclusion of the enforcement proceedings, the registry proceedings and shall summarise and analyse the case-law on these cases.

2. (revoked - SG 62/16, in force from 09.08.2016)

3. inspect the activities of the registry officials under the **Commercial Register Act**;

4. inspect and analyse the activities of the notaries in cooperation with inspector-notaries;

5. assist the Minister of Justice in exercising his competences related to drafting proposals for adoption of interpretation decisions or interpretation decrees, as well as on drafting opinions on submitted proposals for adoption of interpretation decisions or interpretation decrees;

6. exercise ongoing control for the correct arrangement and conduct of the practice for obtaining judicial capacity and participate in the exam for obtaining judicial capacity;

7. (revoked - SG 62/16, in force from 09.08.2016)

8. organise and coordinate the monitoring of the application of the normative acts related to the judiciary and draw up periodical reports to the Minister of Justice summarising the monitoring results;

9. (new - SG 62/16, in force from 09.08.2016) check the activities of the trustees under the

Commerce Act;

10. (prev. text of Item 09 - SG 62/16, in force from 09.08.2016) perform other inspections, assigned by the Minister of Justice.

(2) The inspections under Para 1, Items 1 - 4 shall be performed according to a plan, approved by the Minister of Justice.

(3) (New – SG 86/20) When carrying out inspections on the work of the bailiffs, the inspectors at the Inspectorate of the Minister of Justice may use the system under **Art. 360s**.

Art. 373. (Amend. - SG 17/19) The officials shall be obliged to render assistance to the inspectors of the Inspectorate of the Minister of Justice, when exercising its functions and to provide access to the materials in compliance with the requirements of the **Protection of Classified Information Act** and of the requirements for the protection of personal data.

Art. 374. (amend. – SG 01/11, in force from 04.01.2011; amend. – SG 50/12) (1) The Inspectorate of the Minister of Justice shall consist of inspectors, headed by a chief inspector.

(2) (amend. - SG 62/16, in force from 09.08.2016) The chief inspector and the inspectors shall be appointed by the Minister of Justice on the basis of a contest under the **Labour Code**.

(3) A chief inspector may be appointed any person having at least 10 years of practice in law, and an inspector - at least 5 years practice in law.

(4) The remuneration of the Chief Inspector shall equal that of a regional court judge, while the remuneration of inspectors shall equal that of a district court judge.

(5) (revoked - SG 62/16, in force from 09.08.2016)

Art. 375. (amend. – SG 01/11, in force from 04.01.2011; amend. – SG 50/12) (1) In case of dismissal from a chief inspector's or inspector's office the person shall be restored to the office, occupied before his appointment, if he has worked in the judiciary authorities.

(2) (suppl. – SG 28/16) In order to be restored as referred to in Para 1 the person shall submit an application within 14 days from his dismissal to the respective collegium of the Supreme Judicial Council or to the Minister of Justice in the case of public enforcement agents or registry judges.

(3) The time served as a chief inspector or inspector at the Inspectorate of the Minister of Justice shall be counted practice in the sense of **Art. 164, Para 1 - 7**.

Art. 376. The **Labour Code** shall apply to the questions regarding the inspectors at the Inspectorate at the Minister of Justice not regulated in this Section.

Section III. Judicial Statistics. Information Systems

Art. 377. (amend. - SG 33/09) The Supreme Judicial Council shall submit for publication to the National Statistical Institute statistical information in compliance with the **Statistics Act**.

Art. 377a. (new – SG 50/12; revoked - SG 62/16, in force from 09.08.2016)

Art. 378. (amend. - SG 33/09) (1) The Integrated Information System for Crime Prevention (IISCP) shall be a collection of automated information systems and shall consist of a central component (core) of the system, connected to systems of the judiciary and the executive, which shall process information on events and subject matter and as a whole shall provide integrated information support of the activity on crime prevention.

(2) Observing the requirements of Para 3, the judiciary authorities, the Ministry of Interior, State Agency "National Security", the Ministry of Defence, the Ministry of Justice and the Ministry of Finance shall establish, maintain, use and develop departmental information systems, which shall be parts of the IISCP and shall exchange information with it.

(3) The authorities under Para 2 shall finance from their budget the creation, maintenance, use and development of the departmental components of the IISC.

(4) The procedure and method for creation, maintenance, use and development of the IISC, and also of the cooperation between the authorities and institutions under Para 2 to ensure the functioning of the system shall be determined in an ordinance, issued by the Council of Ministers upon proposal by the Minister of Justice.

(5) The authorities and institutions, which automated information systems connect to the IISCP, shall be obliged to provide the information, required for the functioning of the system.

Art. 379. (1) (amend. - SG 33/09) The building, maintenance, usage and development of the core of the IISCP shall be carried out by the prosecution authorities.

(2) (amend. - SG 33/09) The prosecution authorities shall build and develop communication components for connection of the core of the IISCP with the connected departmental systems. The communication components shall be exploited and maintained by the departments, the automated information systems of which connect to the IISCP core.

(3) The institutions, which automated information systems connect to the core of the IISCP, shall be obliged to provide the information, necessary for the functioning of the IISCP.

Art. 380. (revoked - SG 33/09)

Art. 381. (revoked - SG 33/09)

Art. 382. (revoked - SG 33/09)

Art. 383. (amend. - SG 33/09) (1) The methodical management of the IISCP shall be carried out by an Interdepartmental Council.

(2) The composition and the activity of the Interdepartmental Council shall be determined in the ordinance under **Art. 378, Para 4**.

Art. 384. (1) Access to the information included in the IISCP shall have:

1. official, who by virtue of the law exercise competences in the criminal proceedings and the execution of punishments;

2. persons from the judiciary authorities and from the ministries under **Art. 378, Para 2**, who have access rights;

3. persons, determined by a decision of the Interdepartmental Council.

(2) Access to the information, included in the IISCP, shall be granted to persons other than those under Para 1 upon a written consent of the person, the information of whom is entered in the national database of IISCP.

(3) A public access section may be formed at the core of the IISCP, which shall contain information, determined in a law.

(4) (New - SG 103/20) Access to an excerpt from the data contained in the IISCP, which is public information, shall be provided in the manner and order specified by the ordinance under **Art. 378, Para. 4**, unless another law provides for a special procedure for searching, receiving and disseminating such information.

Art. 385. (amend. - SG 33/09) (1) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014, amend. - SG 17/19) The information servicing of the activities in the judiciary shall be carried out by the Supreme Judicial Council with the assistance of the Ministry of Finance and the Ministry of Regional Development and Public Works - by providing access to the judiciary authorities to the National Database "Population", the National Statistical Institute and the Bulgarian Institute for Standardization, including by providing personal data electronically or through remote access to databases in compliance with the requirements of the protection of personal data.

(2) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The procedure and method for cooperating with the Ministry of Regional Development and Public Works through providing access to the National Database "Population" shall be determined in an ordinance of the Minister of Justice and the Minister of Regional Development.

Art. 386. (revoked - SG 33/09; new – SG 50/12) (1) A Central Criminal Record Bureau shall be established at the Ministry of Justice. The Central Criminal Record Bureau shall act as a central authority exchanging information with the central authorities of other European Union Member States with regard to convictions of Bulgarian and foreign nationals which have entered into force and which have been entered in the criminal records in accordance with national legislation.

(2) The Central Criminal Record Bureau shall collect, keep and update the criminal records under para 1 by exchanging information with the criminal record offices of the district courts and the central authorities of other European Union Member States, as well as with systems of the European Union and international organisations.

(3) In order to transmit and receive information electronically under para 1, the Ministry of Justice shall also set up and maintain an information system named Central Database of Criminal Records.

(4) The functions and the rules of procedure of the Central Criminal Record Bureau, the terms for setting up the Central Database of Criminal Records, its maintenance and operation, as well as the information exchange under para 2 shall be laid down in the ordinance under **Art. 77, para 4**.

(5) (Amend. - SG 17/19) Personal data included in the requests for criminal record information and the responses thereto shall be processed pursuant to the requirements for the protection of personal data for the purposes and on the grounds the requested data.

Section IV.

Management of the Property of the Judiciary

Art. 387. (amend. - SG 33/09; amend. – SG 28/16) The plenum of the Supreme Judicial Council shall arrange the management of the property of the judiciary.

Art. 388. (1) (amend. – SG 28/16) The plenum of the Supreme Judicial Council shall apportion the use of the real estates, provided to the judiciary, among its authorities and may assign their management to their administrative heads.

(2) (suppl. - SG 33/09; amend. – SG 28/16) The funds for construction and overhaul of the real estates, as well as the funds for duties, arising from the ownership in the properties - taxes, fees, rent, insurance and re-evaluation shall be provided by the budget of the Judiciary.

Art. 389. (suppl. - SG 33/09) The purpose of the real estates, provided for the needs of the judiciary, may not be changed without the consent of the judiciary authorities.

Art. 390. (amend. - SG 33/09) (1) The funds for acquisition, maintenance and management of movable properties shall be provided by the budget of the judiciary.

(2) (amend. – SG 28/16) The plenum of the Supreme Judicial Council may reassign the management of the movable properties from one judiciary authority to another with the consent of their administrative heads.

Section V. Guard

Art. 391. (1) (amend. - SG 33/09, suppl. - SG 49/18) There shall be a Chief Directorate "Guard" at the Minister of Justice, which shall carry out the activity of guarding the judiciary authorities, the buildings of the Ministry of Justice, intended for the central administration, as well as the building of the Registry Agency - Headquarters.

(2) (amend. - SG 33/09; amend. - SG 15/13, in force from 01.01.2014) The Chief Directorate "Guard" shall be a legal person with seat in Sofia.

(3) (new - SG 33/09) The Chief Directorate "Guard" shall:

1. (suppl. - SG 49/18) organize and perform the guard of the court buildings, the buildings of the Ministry of Justice, intended for the central administration, as well as the building of the Registry Agency - Headquarters;

2. (amend. - SG 49/18) secure the order in the court buildings and the security of the judiciary authorities during exercise of their competences, as well as the order and security in the buildings of the Ministry of Justice, intended for the central administration, as well as the building of the Registry Agency - Headquarters;

3. (amend. – SG 01/11, in force from 04.01.2011; amend. - SG 62/16, in force from 09.08.2016, amend. - SG 11/20, amend. - SG 80/21) organize and carry out the guard of judges, prosecutors and investigators - under the terms and procedures determined by an instruction of the Minister of Justice, agreed in coordination with the plenum of the Supreme Judicial Council;

4. (amend. – SG 01/11, in force from 04.01.2011) render assistance the judiciary authorities in summoning persons in cases of impediments to the performance of this duty;

5. forcefully bring persons to a judiciary authority, when ruled by a judiciary authority;

6. (suppl. - SG 24/22) convoy accused and defendants, in respect of whom a security measure detention under guard has been requested or ruled, or persons, serving punishments in the places for deprivation of liberty, to the judiciary authorities and on the territory of the country when this is provided for by an act;

7. execute prosecutor's orders for enforcement of judgements in force imposing deprivation of liberty, and, where necessary, seek the assistance of the authorities of the Ministry of Interior;

8. (suppl. - SG 49/18) carry out inspections and control the observance of the rules and norms on the guard and safety in case of designing, construction and exploitation 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, as well as the building of the Registry Agency - Headquarters;

9. carry out coordination of projects and provide opinion on putting into exploitation buildings of the judiciary concerning the guard and safety;

10. build and maintain for the needs of its activity information funds, in which it shall collect, process, store and use information, obtained during or in relation to performance of its functions;

11. receive from the Ministry of Interior information related to performance of its functions.

(4) (new – SG 01/11, in force from 04.01.2011; suppl. - SG 62/16, in force from 09.08.2016, amend. - SG 49/18, amend. - SG 80/21) In performing the activities referred to in Para 3, Item 1 - 7 Chief Directorate "Guard" shall act as necessary in cooperation with the administrative heads of the judiciary authorities, with the plenum of the Supreme Judicial Council and with the Executive Director of the Registry Agency.

(5) (prev. text of Para 03 - SG 33/09; prev. text of Para 04 - SG 01/11, in force from 04.01.2011; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014; suppl. - SG 62/16, in force from 09.08.2016, amend. - SG 49/18) The rules and norms on the guard and safety in case of designing, construction, reconstruction, major renovation, repair, reconstruction and exploitation of the buildings of the judiciary authority, the buildings of the Ministry of Justice, intended for the central administration, as well as the building of the Registry Agency - Headquarters shall be determined in an ordinance of the Minister of Justice, coordinated with the Minister of the Regional Development and Public Works and with the plenum of the Supreme Judicial Council.

(6) (prev. text of Para 04, amend. - SG 33/09; prev. text of Para 05 - SG 01/11, in force from 04.01.2011) The type of information under Para 3, Item 11 and the order of providing it shall be determined in an ordinance, issued jointly by the Minister of Justice and the Minister of Interior.

(7) (new - SG 33/09; prev. text of Para 06 - SG 01/11, in force from 04.01.2011) The structure and activity of Chief Directorate "Guard" shall be stipulated in regulations, issued by the Minister of Justice.

(8) (New - SG 24/22) The organisation and order for the execution of the convoying activity shall be determined by the Minister of Justice's instruction.

Art. 392. When exercising their competences the employees of Chief Directorate "Guard" shall be obliged to respect the dignity of the citizens and their rights and lawful interests.

Art. 393. (amend. - SG 33/09) (1) (amend. – SG 53/14) When exercising their functions under **Art. 391, Para 3**, the personnel of Chief Directorate "Security" shall have the rights and obligations under **Art. 64, Para 1, 2, 4 and 5, Art. 65, 66, 70, Art. 72 – 74. Art. 76, 80, 91 and Art. 81** - in the cases of **Art. 70, Para 1, Item 1, 4 and 5, Art. 85, 86, Art. 87, Para 1, 2, 5 – 7 and Art. 100** of the Ministry of Interior Act and under Decree No 904 on Combating the Minor Hooliganism.

(2) (amend. – SG 53/14) To the personnel of Chief Directorate "Guard" shall apply the provisions of Part Three, **Chapters Seven - Twelve** of the Ministry of Interior Act.

(3) (New - SG 64/19, in force from 13.08.2019) The conditions and procedure for formation and payment of the additional remuneration for results achieved in the official activity of the employees of the General Directorate "Security" and its territorial units shall be determined by an ordinance of the Minister of Justice.

Art. 394. The citizens and officials shall be obliged to render assistance to the employees of Chief Directorate "Guard" when performing their duties, including provision of information and documents, while keeping the state, official and trade secrets and the personal information.

Chapter twenty one.

EXPERTS AND INTERPRETERS (TITLE SUPPL. – SG 21/14)

Art. 395. (1) The experts shall carry out examinations.

(2) All state authorities, legal persons and citizens, holding materials, required for the examination, shall be obliged to provide the expert access to them according to the level of access to classified information the expert possesses, as well as to render the assistance required for performance of the examination tasks.

Art. 395a. (new - SG 21/14) When provided for by law, an interpreter shall be shall appointed in civil, criminal or administrative proceedings.

Art. 396. (1) (amend. - SG 01/11, in force from 04.01.2011; suppl. – SG 21/14) Experts shall be appointed by the authority assigning the examination from the relevant list of specialists, approved as experts. Interpreters shall be appointed among the persons on the list of specialists approved as translators.

(2) (suppl. – SG 21/14) Where necessary, an expert or interpreter may be appointed a specialist, not included in the relevant list.

(3) In case of complicacy and complexity of the examination, the authority may appoint more than one expert.

(4) When performing their functions, the experts shall identify themselves by a certificate, issued by the authority, who has assigned the examination.

Art. 397. (suppl. – SG 21/14) No examination assignment shall be granted to any expert or interpreter, who is interested in the outcome of the proceedings or has certain relationships with any of the parties, which cause reasonable grounds to suspect his impartiality.

Art. 398. (1) (amend. - SG 01/11, in force from 04.01.2011; suppl. – SG 21/14, amend. – SG, 32/22, in force from 27.07.2022) For every judicial venue of a regional and administrative court, shall be drafted lists of specialists, approved to be experts or interpreters.

(2) Where necessary, the Supreme Court of Cassation, the Supreme Administrative Court, the Supreme Prosecution Authority of Cassation, the Supreme Administrative Prosecution Authority and the National Investigation Service shall approve separate lists for the needs of their activity.

(3) (suppl. – SG 21/14) Where the needs of the judiciary authorities require so, they may appoint an expert or interpreter from the lists of other judicial venues.

(4) The lists under Para 1 and 2 shall be public.

Art. 399. (1) (suppl. – SG 21/14) Proposals for inclusion of specialists in the lists of experts and interpreters shall be made by ministries, public offices, institutions, municipalities, professional and other organizations and science institutes.

(2) (suppl. – SG 21/14) Proposals for inclusions in the lists of experts and interpreters may be also made personally by the specialists themselves.

(3) (amend. - SG 01/11, in force from 04.01.2011) Proposals for inclusions in the lists under **Art. 398, Para 1** shall be submitted to the chairman of the relevant court.

(4) The proposals for inclusions in the lists under **Art. 398, Para 2** shall be made to every administrative head of the relevant judiciary authority.

Art. 400. (1) (suppl. – SG 21/14) The proposals shall contain the three names of the specialist, their home address, telephone for contact and information of their education, specialization, place of work, occupied position, length of employment service, length of service as an expert or interpreter and any additional qualification.

(2) The circumstances under Para 1 shall be proved with the relevant documents, attached to the proposal.

Art. 401. (1) (amend. - SG 33/09; amend. - SG 01/11, in force from 04.01.2011, amend. – SG, 32/22, in force from 27.07.2022) The lists under **Art. 398, Para 1** shall be approved by a commission consisting of: the President of the Court of Appeal or a judge, designated by him, the Prosecutor of Appeal or a prosecutor, designated by him, the President of the District Court, the District Prosecutor and the President of the Administrative Court.

(2) (amend. - SG 33/09) The lists under **Art. 398, Para 2** shall be approved by a commission consisting of: the Chairman of the Supreme Court of Cassation, the Chairman of the Supreme Administrative Court and the Chief Prosecutor.

(3) The approved lists shall be sent to the Minister of Justice to be promulgated in the State Gazette and published in the internet.

Art. 402. (1) (suppl. – SG 21/14) Proposals for amendment and supplementation to the approved lists of experts and interpreters shall be made by the end of September of the relevant calendar year.

(2) By the end of October the commissions under **Art. 401, Para 1 and 2** shall update the lists.

(3) By 15 November the lists shall be sent to the Minister of Justice to be promulgated in the State Gazette and published in the internet.

(4) Amendments to the lists may be made also during the respective year.

Art. 402a. (New – SG 86/20, in force from 01.01.2021) An Information system named "Single Register of Experts" shall be established at the Ministry of Justice, which contains the data entered in the lists of specialists approved for experts under **Art. 398, Para. 1** and 2. The data shall be entered in the register by order of the respective administrative heads in the bodies of the judiciary immediately after the approval of the lists.

Art. 403. (1) (amend. – SG 50/12; suppl. - SG 62/16, in force from 09.08.2016) The Minister of Justice Council in coordination with the plenum of the Supreme Judicial Council shall issue an ordinance on:

1. the order and terms for proposals for inclusions and amendments to the lists of specialists, approved to be experts;
2. the conditions the specialists, approved to be experts, shall meet;
3. the conditions and order for determining the remuneration of experts;
4. (new – SG 59/10, in force from 01.01.2011; revoked - SG 45/11, in force from 14.06.2011, new – SG 86/20, in force from 01.01.2021) the right of access to the information system under **Art. 402a** and the data entered in it.

(2) (new – SG 21/14; suppl. - SG 62/16, in force from 09.08.2016) (*) The Minister of Justice in coordination with the plenum of the Supreme Judicial Council shall issue ordinances for:

1. procedures and time limits for proposals for entries and changes in the lists of specialists approved for interpreters;
2. requirements to be met by specialists approved for interpreters;
3. conditions and procedures for determining the remuneration of interpreters.

(3) (prev. text of para 2, amend – SG 21/14) The ordinances under para 1 and 2 shall be promulgated in the State Gazette.

Art. 403a. (new - SG 45/11, in force from 14.06.2011; suppl. - SG 62/16, in force from 09.08.2016) The conditions and order for carrying out medical, psychiatric and psychological judicial examinations, including the payment of the costs to the medical establishments, shall be determined in an ordinance issued by the Minister of Justice, the Minister of Interior and the Minister of Health in coordination with the plenum of the Supreme Judicial Council.

Chapter twenty two.
ADMINISTRATIVE PENAL PROVISIONS

Art. 404. (1) Any head of a state or municipal administration, of organization or employer, who does not grant leave of office to a person, summonsed to participate as a juror, or impedes the participation of the latter in judicial proceedings, shall be fined from BGN 300 to 600.

(2) The fine shall be imposed by the chairman of the court and may be withdrawn under the order of the **Civil Code of Procedure**.

Art. 405. (1) Any person, who fails to perform an order of a judge, prosecutor, investigator, state bailiff or registry judge, ruled according to the order specified in this Act, shall be fined from BGN 50 to 2000, unless subject to a more severe penalty.

(2) The fine shall be imposed by an order or ruling, after the person has been granted the opportunity to provide explanations concerning the offence.

(3) The judge, prosecutor, investigator, state bailiff or registry judge, who has imposed the penalty, may withdraw or reduce the fine, in case of appeal by the fined person, submitted within 7 days from the notification.

(4) (amend. - SG 33/09) The decision or ruling on the appeal shall not be subject to further appealing under the **Administrative Violations and Penalties Act**.

Art. 406. Any person, who fails to perform an order of an official of Chief Directorate "Guard" at the Ministry of Justice, given while exercising their functions, shall be fined from BGN 50 to 2000.

Art. 407. The heads of the state authorities and of the legal persons, as well as the citizens, who have guiltily failed to perform their duties referred to in **Art. 394**, shall be fined from BGN 200 to 3000.

Art. 408. (1) The act of establishing the offence under Art. **406** or **407** shall be drawn up by an official of Chief Directorate "Guard".

(2) The penal decree shall be issued by the Minister of Justice or an official authorized by him.

(3) The establishment of the offences, the issue, appeal and performance of the penal decrees shall be carried out under the order of the **Administrative Violations and Penalties Act**.

Art. 408a. (new - SG 62/16, in force from 01.01.2017) (1) A judge, prosecutor or investigator who fails to file a declaration under **Art. 175a, Para 1** on time shall be fined between BGN 300 and 3000.

(2) (new - SG 49/18) Whoever fails to submit a declaration under **Art. 175c, para. 1, item 3 or 4**, shall be liable to a fine of BGN 300 to BGN 3,000.

(3) (prev. para. 3 - SG 49/18) Where the offences are repeated, the fine shall be between BGN 600 and 6000.

Art. 408b. (new - SG 62/16, in force from 01.01.2017) (1) In case of established discrepancy under **Art. 175h, Para 3** shall be imposed a fine between BGN 500 and 5000, unless there is a more severe penalty for the act.

(2) Where the offence is repeated, the fine shall be between BGN 1000 and 10 000.

Art. 408c. (new - SG 62/16, in force from 01.01.2017) (1) Any person who fails to perform his duty under **Art. 175p, Para 2** shall be imposed a fine between BGN 3000 and 6000.

(2) Where the offence is repeated, the fine shall be between BGN 5000 and 10 000.

Art. 408d. (new - SG 62/16, in force from 01.01.2017) For violation of any of the duties under **Art. 175e, Para 2 – 7** the responsible officials shall be fined between BGN 1000 and 5000, unless the act qualifies as a crime.

Art. 408e. (new - SG 62/16, in force from 01.01.2017) (1) The acts of finding the offences under Art. **408a**, **408b**, **408c** and **408d** shall be drawn up by persons determined by the Chief Inspector of the Inspectorate at the Supreme Judicial Council.

(2) The penal decrees shall be issued by the chief inspector and inspectors authorised by him.

(3) The finding of the offences, the issue, appeal and execution of the penal decrees shall be carried out as set out in the Act on the **Administrative Violations and Penalties**.

Art. 409. The revenue of fines, imposed by penal decrees under this Act, shall go to the judiciary budget.

Additional provisions

§ 1. (new - SG 62/16, in force from 09.08.2016) In the sense of this Act:

1. "Electronic address" means identifiable by an international standard information system for receipt of electronic statements.

2. "Electronic document" means electronic document in the sense of Art. 3, Para 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. "Related person" means:

a) spouses or cohabitants, relatives of direct lineage, of indirect lineage up to fourth degree inclusive, and in law – up to second degree inclusive;

b) natural and legal persons with whom the judge, prosecutor or investigator is in economic or political dependency giving rise to reasonable doubts of his impartiality and objectivity.

4. "Permanent use" means use of the property of another for the needs of the user or of the persons under Art. 175b, Para 4, which shall extend more than three months within one calendar year.

5. "Factual separation" means a situation, in which the spouses do not live together and do not share a common household.

6. "Cohabitation" means voluntary cohabitation of two adults between whom exists no kinship that would present an obstacle to enter into marriage, lasting more than two years, where the persons look after each other and a common household.

7. "Sufficient information" means information from which can be reasonably suspected a conflict of interests, violation of basic principles of behaviour specified in the Code of Ethics of the Bulgarian Magistrates, or a discrepancy between the declared circumstances and the collected information.

8. "Members of the family" means the spouse, the person with whom the inspected person is in cohabitation, and the non-adult children.

9. "Repeated" is any offence committed within two years from the entry into force of the penal decree or the decision of the court imposing a penalty for the same offence.

10. "The control activity in the prosecution authority" shall be performed:

a) a complex revision establishing the overall activity of a separate prosecution authority or of the National Investigation Service;

b) a thematic revision establishing the work of a separate prosecution authority in a given direction or for a given period and the overall work of an investigation division at the regional prosecution authority;

c) a check, which subject are concrete circumstances of administrative and management nature, a signal for a disciplinary violation, the work of a certain prosecutor or investigator, the work of a prosecutor or investigator in a certain category of cases or a certain case, the compliance with the work discipline and other specific circumstances.

11. (new - SG 103/20) "Public information" shall mean the information within the meaning of **Art. 2, Para. 1 of the Access to Public Information Act**.

Transitional and concluding provisions

§ 1a. (prev. text of § 01 – SG 62/16, in force from 09.08.2016) The **Judiciary System Act** (Prom. - SG 59/94, SG 78/94 - Decision No 8 of the Constitutional Court from 1994, SG 87/94 - Decision No 9 of the Constitutional Court from 1994, SG 93/95 - Decision No 17 of the Constitutional Court from 1995; amend. - SG 64/96, SG 96/96 - Decision No 19 of the Constitutional Court from 1996; amend. - SG 104 and 110/96, SG 58, 122 and 124/97, SG 11 and 133/98, SG 6/99 - Decision No 1 of the Constitutional Court from 1999; amend. - SG 34, 38 and 84/00, SG 25/01, SG 74/02, SG 110/02 - Decision No 11 of the Constitutional Court from 2002, SG 118/02 - Decision No 13 of the Constitutional Court from 2002; amend. - SG 61 and 112/03, SG 29, 36 and 70/04, SG 93/04 - Decision No 4 of the Constitutional Court from 2004, 37/05 - Decision No 4 of the Constitutional Court from 2005; amend. - SG 43 and 86/05, SG 17/06, SG 23/06 - Decision No 1 of the Constitutional Court from 2006, SG 30 and 39/06) shall be revoked.

§ 2. (1) The meetings under **Art. 21** and the meeting under **Art. 23, Para 3** shall be held by 5 September 2007.

(2) The meetings that have not been held within the term under Para 1 shall be summoned by the Minister of Justice and shall be held by 15 September 2007.

§ 3. (1) The meetings under **Art. 23, Para 1 and 2** shall be held by 21 September 2007.

(2) The meetings that have not been held within the term under Para 1 shall be summoned by the Minister of Justice and shall be held by 28 September 2007.

§ 4. The National Assembly shall elect the members of the Supreme Judicial Council of its quota by 28 September 2007.

§ 5. (1) The newly elected Supreme Judicial Council shall be deemed constituted after electing enough members to form two thirds of its composition together with the ex lege members.

(2) The activity of the present Supreme Judicial Council shall terminate with the constitution of the newly elected Supreme Judicial Council under the order of this Act.

§ 6. The pending proceedings before the Supreme Administrative Court of appeals against decisions of the Supreme Judicial Council shall be concluded under the present order.

§ 7. (1) The proposals for a chief inspector and inspectors at the Inspectorate at the Supreme Judicial Council shall be made by 15 October 2007.

(2) The chief inspector and the inspectors shall assume office within one month from the day of their election.

(3) The chief inspector and the inspectors shall be obliged to vacate the positions occupied by them and suspend the activities under **Art. 18** before assumption of office and shall notify the Chairman of the National Assembly thereof.

§ 8. The present judges in a regional court, prosecutors in a regional prosecution authority, judges in an administrative court, judges in an appellate court and prosecutors in an appellate prosecution authority, who do not meet the requirements for practice under **Art. 164, Para 2, 3 and 4**, shall keep the positions, presently occupied by them.

§ 9. Within three months from entry into force of this Council of Ministers Act shall provide working premises for the activity of the Inspectorate at the Supreme Judicial Council.

§ 10. The chairmen of chambers at the Supreme Court of Cassation and in the Supreme Administrative Court, the persons in charge of departments at the Supreme Prosecution Authority of Cassation and the Supreme Administrative Prosecution Office, as well as the heads of departments at the National Investigation Service shall keep the amount of remuneration granted to the before entry into force of this Act.

§ 11. (1) For practice as a judge under **Art. 164, Para 1 - 5** shall be counted also the practice, served as an arbiter according to the revoked State Arbitration Act.

(2) For practice as a judge under **Art. 164, Para 1 - 5** shall be counted also the practice of the present judges, assigned by the Republic of Bulgaria to an international court, formed on the grounds of an international treaty, to which the Republic of Bulgaria is party, or within an international organization, of which the Republic of Bulgaria is member.

§ 12. The contests for judges, prosecutors, investigators, state bailiffs and registry judges, assigned before entry into force of this Act, shall be held under the hitherto effective order.

§ 13. The additional length of service salary, granted to the judges, prosecutors and investigators, which before entry into force of this Act exceeds 40 percent, shall be stay at the same amount and shall not be increased.

§ 14. (amend. - SG 23/11, in force from 22.03.2011) To the military judges, military prosecutors and military investigators shall apply the provisions of the Act on the Defence and Armed Forces of the Republic of Bulgaria and the years of service in the system of the Ministry of Interior shall be counted as military service.

§ 15. The disciplinary proceedings pending by entry into force of this Act shall be considered under the hitherto effective order and shall be concluded by 31 December 2007. The expiration of this term shall not serve as grounds for exemption of liability.

§ 16. (amend. - SG 33/09) To the present junior judges and junior prosecutors shall apply the three year term of occupying the position.

§ 17. (1) In respect of the present judicial inspectors the term under **Art. 37, Para 2** shall commence from the date of their most recent appointment.

(2) Until election of a Chief Inspector and inspectors of the Inspectorate at the Supreme Judicial Council the Inspectorate of the Minister of Justice shall continue exercising its competences under **Art. 35b, Para 1, Items 1 and 2 of the revoked Judiciary System Act**.

§ 18. As an employment service shall be counted the service as a judicial candidate or trainee-lawyer, where it is held after passing state exams for graduation in "Law".

§ 19. In the Administrative Procedure Code (SG 30/06) Chapter Sixteen having Art. 258 - 266 shall be revoked.

§ 20. In the Penal Code (prom. - SG 26/98; corr. - SG 29/68; amend. - 92/69, SG 26 and 27/73, SG 89/74, SG 95/75, SG 03/77, SG 54/78, SG 89/79, SG 28/82; corr. - SG 31/82; amend. - 44/84, SG 41 and 79/85; corr. - SG 80/85; amend. - 89/86; corr. - 90/86; amend. - SG 37, 91 and 99/89, SG 10, 31 and 81/90, SG 01 and 86/91; corr. - SG 90/91; amend. - SG 105/91, SG 54/92, SG 10/93, SG 50/95, SG 97/95 -

Decision No 19 of the Constitutional Court from 1995; amend. - SG 102/95, SG 107/96, SG 62 and 85/97, SG 120/97 - Decision No 19 of the Constitutional Court from 1997; amend. - SG 83, 85, 132, 133 and 153/98, SG 07, 51 and 81/99, SG 21 and 51/00, SG 98/00 - Decision No 14 of the Constitutional Court from 2000; amend. - SG 41 and 101/01, SG 45 and 92/02, SG 26 and 103/04, SG 24, 43, 76, 86 and 88/05, SG 59, 75 and 102/06, SG 38 and 57/07) everywhere the words "assistant-bailiff" shall be replaced by "assistant-private bailiff".

§ 21. In the Code of Social Insurance (prom. - SG 110/99, SG 55/00 - Decision No 5 of the Constitutional Court of the Republic of Bulgaria from 2000; amend. - SG 64/00, SG 01, 35 and 41/01, SG 01, 10, 45, 74, 112, 119 and 120/02, SG 08, 42, 67, 95, 112 and 114/03, SG 12, 38, 52, 53, 69, 70, 112 and 115/04, SG 38, 39, 76, 102, 103, 104 and 105/05, SG 17, 30, 34, 56, 57, 59, 68, 82, 95, 102 and 105/06, SG 41 and 52/07) shall be made the following amendments:

1. In Art. 54b, Para 3 the words "Art. 131, Para 1, Items 2, 3 and 6 and Art. 152, Para 1, Item 1, 2, 3 and 4" shall be replaced by "Art. 165, Para 1, Items 2, 3, and 5 and Art. 271, Items 2, 3 and 5".
2. In Art. 54f, Para 1 the words "Art. 139e" shall be replaced by "Art. 226".
3. In Art. 69, Para 2 the words "Art. 39e" shall be replaced by "Art. 391".
4. In Art. 230, Para 3, Item 3, Letter "b" the words "the bailiffs" shall be replaced by "the state bailiffs".
5. In Art. 262, Para 1, Item 3 the words "the bailiffs" shall be replaced by "the state bailiffs".
6. In Art. 282, Para 1, Item 3, Letter "b" the words "the bailiffs" shall be replaced by "the state bailiffs".
7. In Art. 287, Para 2 the words "Art. 131, Para 1, Items 2, 3 and 6 and Art. 152, Para 1, Item 2, 3 and 4" shall be replaced by "Art. 165, Para 1, Items 2, 3 and 5 and Art. 271, Items 2, 3 and 5".

§ 22. In the State Financial Inspection Act (prom. - SG 33/06; amend. - SG 59/06) in Art. 5, Item 5 the words "Art. 119" shall be replaced by "Art. 145".

§ 23. In the Civil Servant Act (prom. - SG 67/99; amend. - 01/00, SG 25, 99 and 110/01, SG 45/02, SG 95/03, SG 70/04, SG 19/05, SG 24, 30 and 102/06, SG 59/07) in § 2, Para 3 of the Transitional and Concluding Provisions the words "Art. 127, Para 1 - 4" shall be replaced by "Art. 164, Para 1 - 5".

§ 24. In the Consumer Protection Act (prom. - SG 99/05; amend. - SG 30, 51, 53, 59, 105 and 108/06, SG 31, 41 and 59/07) in Art. 22b, Para 2 the words "Art. 201" shall be replaced by "Art. 405".

§ 25. In the Ministry of Interior Act (prom. - SG 17/06; amend. - SG 30, 102 and 105/06, SG 11, 31, 41, 46 and 57/07) shall be made the following amendments and supplementations:

1. In Art. 212, Para 1, Item 10 the words "Art. 163" shall be replaced by "Art. 294".
2. In Art. 220 the word "district" shall be repealed and the words "Art. 118a, Para 3" shall be replaced by "Art. 144, Para 3".
3. In Art. 219, Para 2 the word "district" shall be repealed and in the end shall be added "under Art. 144, Para 3 of the Judiciary System Act".

§ 26. In the Notaries and Notary Activity Act (prom. - SG 104/96; amend. - SG 117, 118 and 123/97, SG 24/98, SG 69/99, SG 18/03, SG 29 and 36/04, SG 19 and 43/05, SG 30, 39 and 41/06, SG 59/07) shall be made the following amendments and supplementations:

1. In Art. 8, Para 2 the words "assistant-bailiff" shall be replaced by "assistant-private bailiff".
2. In Art. 80b, Para 1 shall be added a second sentence: "The Minister of Justice shall assign to inspectors of the Inspectorate of the Minister of Justice under the Judiciary System and of inspector-notaries under Art. 80c, Para 4 the conduct of joint inspections."

3. Art. 80c, Para 1 shall be revoked.

§ 27. In the Income Taxes on Natural Persons Act (prom. - SG 95/06; amend. - SG 52/07) shall be made the following amendments and supplementations:

1. In Art. 24, Para 2, Item 8 the words "Art. 139d, Art. 139f, Para 1, Items 1 and 2, Art. 157a, Para 3 and Art. 188n" shall be replaced by "Art. 225, Art. 277, Para 3 and Art. 354".

2. In the Additional Provisions in § 1, Item 26, Letter "c" after the words "the Supreme Judicial Council" shall be added "the chief inspector and the inspectors at the Inspectorate at the Supreme Judicial Council".

§ 28. In the National Audit Office Act (prom. - SG 109/01; amend. - 45/02, SG 31/03, SG 38/04, SG 34 and 105/05, SG 24, 27, 33 and 37/06) in Art. 27, Para 4 the words "Art. 127, Para 1 - 4" shall be replaced by "Art. 164, Para 1 - 5".

§ 29. In the Private Bailiffs Act (prom. - SG 43/05; amend. - SG 39/06, SG 31 and 59/07) shall be made the following amendments:

1. In Art. 75, Para 1, item 1 shall be amended as follows:

"1. inspectors of the Inspectorate of the Minister of Justice under the Judiciary System Act".

2. Everywhere the words "assistant-bailiff", "assistant-bailiffs", "the assistant-bailiffs" and "the assistant-bailiff" shall be replaced by "assistant-private bailiff", "assistant-private bailiffs", "the assistant-private bailiffs" and "the assistant-private bailiff".

§ 30. (1) The acts of secondary legislation issued for the application of and on grounds of the revoked Judiciary System Act, shall apply until the issuance of the relevant new acts of secondary legislation, as far as they do not contradict this Act.

(2) The acts of secondary legislation issued on the application of this Act shall be adopted or issued by 31 December 2007.

(3) The Inspectorate at the Supreme Judicial Council shall adopt the regulations under Art. 55, Para 4 within one month from the election of the chief inspector and the inspectors.

(4) Within three months from entry into force of this Act the Council of Ministers shall adopt the ordinance under Art. 378, Para 2.

(5) The Minister of Justice shall issue:

1. the ordinance under Art. 385, Para 5 - within three months from entry into force of this Act;

2. the ordinance under Art. 386, Para 1 - within 6 months from entry into force of this Act.

This Act is adopted by the 40th National Assembly on 24 July 2007 and is affixed by the official seal of the National Assembly.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE ACT ON ELECTION OF MEMBERS OF THE EUROPEAN PARLIAMENT FROM THE REPUBLIC OF BULGARIA (Prom. - SG 25/09, in force from 03.04.2009)

§ 47. The Act shall enter into force from the date of its promulgation in the State Gazette.

Additional provisions

TO THE Act Amending and Supplementing THE JUDICIARY SYSTEM ACT

(PROM. - SG 33/09; AMEND. - SG 01/11, IN FORCE FROM 04.01.2011)

§ 110. Everywhere in the Act the words "junior judge, junior prosecutor and junior investigator", "the junior judge, the junior prosecutor and the junior investigator", "junior judges, junior prosecutors and junior investigators" and "the junior judges, the junior prosecutors and the junior investigators" shall be replaced respectively with "junior judge and junior prosecutor", "the junior judge and the junior prosecutor", "junior judges and junior prosecutors" and "the junior judges and the junior prosecutors".

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE JUDICIARY SYSTEM ACT

(PROM. - SG 33/09; AMEND. - SG 01/11, IN FORCE FROM 04.01.2011)

§ 111. The Prosecution Authority of the Republic of Bulgaria shall be successor of the assets, debts, archive and the other rights and obligations of the National Investigation Service and of the regional investigation services at the day of entry into force of this Act.

§ 112. (1) The Director of the National Investigation Service shall continue to perform his duties of an administrative head until the end of his election mandate.

(2) The directors of the regional investigation services shall be reappointed without contest to positions of heads of regional investigation departments at the regional prosecution authorities and shall continue to perform their duties of administrative heads until the end of their election mandate.

(3) The Supreme Judicial Council shall reappoint without contest the investigators from the regional investigation services to the regional investigation departments at the regional prosecution authorities.

(4) The employment relationships with the employees from the regional investigation services shall be regulated under the conditions and order of Art. 123 of the Labour Code.

§ 113. The Supreme Judicial Council shall reappoint without contest the junior investigators from the regional investigation services, who by the day of entry into force of this Act have not completed the three year practice at the position of a junior prosecutor in the respective district prosecution authorities.

§ 114. Within one month from entry into force of this Act the vacant positions for junior prosecutors at the regional prosecution authorities shall be transformed into positions for prosecutors.

§ 115. (1) (amend. - SG 01/11, in force from 04.01.2011) The practice of the persons, gained at the position of an investigator at a regional investigation service, shall be deemed practice under Art. 164, Para 8.

(2) (amend. - SG 01/11, in force from 04.01.2011) The practice of the persons, gained at the position of a junior investigator at a regional investigation service, shall be deemed practice under Art. 164, Para 8 and Art. 209, Para 2.

§ 116. (amend. - SG 01/11, in force from 04.01.2011) The practice of the persons with higher legal education, gained at the position of an investigating policeman in the system of the Ministry of Interior or investigating policeman at the Ministry of Defence before entry into force of the Act Amending and Supplementing the Ministry of Defence Act (SG 69/08), shall be deemed practice under Art. 164, Para 8.

§ 117. The employment salaries of the experts at the Inspectorate at the Supreme Judicial Council, determined before entry into force of this Act, shall be brought into compliance with Art. 55, Para 4.

§ 118. (1) The disciplinary proceedings, pending at the entry into force of this Act, shall be considered under the hitherto effective order.

(2) The attestation proceedings and the contests through attestation, pending at the entry into force of this Act, shall be considered under the hitherto effective order.

§ 119. The pending contests for administrative heads of the investigation authorities to be held on a date determined before entry into force of this Act, shall be terminated.

§ 120. Within three months from entry into force of this Act the Supreme Judicial Council shall approve the Code of Ethics of the Judges, Prosecutors and Investigators and the Code of Ethics of the Judicial Employees, and shall adopt the ordinance under Art. 209a.

§ 121. Within 6 months from entry into force of this Act the Minister of Justice shall issue the regulations under Art. 391, Para 6.

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§ 123. (1) Paragraph 56 shall enter into force from the day of promulgation of the ordinance under Art. 209a.

(2) The provisions of § 72 and § 73 shall enter into force from 1 January 2010.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE PROTECTION AGAINST DOMESTIC VIOLENCE ACT

(PROM. - SG 102/09, IN FORCE FROM 22.12.2009)

§ 27. The Act shall enter into force from the day of its promulgation in the State Gazette, except for § 7, item 2 with reference to Art. 6, par. 5, 6, 7 and 8, which shall enter into force from 1 January 2010.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE JUDICIARY SYSTEM ACT

(PROM. - SG 103/09, IN FORCE FROM 29.12.2009)

§ 12. The commenced disciplinary proceedings, related to premature termination of the mandate of an elective member of the Supreme Judicial Council, shall be finalized following the provisions of this Act.

§ 13. The Act shall enter into force from the day of its promulgation in the State Gazette.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE MEDICAL ESTABLISHMENTS ACT

(PROM. - SG 59/10, IN FORCE FROM 31.07.2010)

§ 77. This Act shall enter into force from the day of its promulgation in the State Gazette, except for:

1. paragraphs 9 (regarding Art. 19, Para 4), 53, 60 and 66 (regarding Art. 98. Para 5 and 6) which shall enter into force from 1 January 2011;

2. paragraph 75, which shall enter into force on 30 September 2011.

Transitional and concluding provisions

ACT AMENDING AND SUPPLEMENTING THE JUDICIARY SYSTEM ACT

(PROM. - SG 01/11, IN FORCE FROM 04.01.2011; AMEND. – SG 32/11, IN FORCE FROM 04.01.2011; AMEND. – SG 93/11)

§ 119. (1) Within 15 days from entry into force of this Act the Supreme Judicial Council shall determine the number of judges, prosecutors, investigators and of deputy administrative heads of the specialised courts and prosecution authorities.

(2) The pay-roll composition of the specialised courts and prosecution authorities shall be supplied also through transformation of vacant pay-roll positions for judges, prosecutors, investigators and judicial officials at the date of entry into force of this Act.

§ 120. (1) Within two months from entry into force of this Act the Supreme Judicial Council shall appoint the heads of the specialised courts and prosecution authorities.

(2) Within 4 months from entry into force of this Supreme Judicial Council Act shall appoint the judges, prosecutors and investigators in the specialised courts and prosecution authorities.

§ 121. (1) Within 6 months from entry into force of this Act the general meeting of the judges at the appellate specialised criminal court shall determine the jurors, which shall participate in the sessions of the specialised criminal court.

(2) Before determining the jurors under Para 1 in the sessions of the specialised criminal court shall participate the jurors appointed to participate in sessions of the Sofia City Court.

§ 122. Within 6 months from entry into force of this Act the chairmen of the specialised courts and the heads of the specialised prosecution authorities shall appoint the judicial and prosecutor assistants and the officials in the judicial administration.

§ 123. Within one month from entry into force of this Act the Council of Ministers shall provide buildings for the specialised courts and prosecution authorities.

§ 124. The deputy administrative heads of the judiciary authorities shall continue to perform their functions as set out in Art. 168.

§ 125. Within three months from entry into force of this Act shall be elected the professional ethics commissions at the judiciary authorities.

§ 126. (1) (declared non-constitutional in DCC No 10/11 – SG 93/11) Within one month from entry into force of this Act the Supreme Judicial Council shall adopt the ordinances referred to in § 21 and 67.

(2) Within one month from entry into force of this Act the Supreme Judicial Council shall adopt the rules referred to in § 12 and 86.

§ 127. (1) The contests for judges, prosecutors and investigators and for election of administrative heads assigned before entry into force of this Act shall continue under the previous order.

(2) The contests for deputy administrative heads assigned before entry into force of this Act shall

be terminated.

§ 128. Within three months from entry into force of this Act the Supreme Judicial Council shall dismiss the judges, prosecutors and investigators of 65 years of age and more.

§ 128a. (new – SG 32/11, in force from 04.01.2011) The opened and pending at the date of entry into force of this Act attestation procedures shall continue under the previous order.

§ 129. (1) (prev. text of § 129 – SG 32/11, in force from 04.01.2011) The four-year period for periodical attestation referred to in § 69 regarding Art. 196, Item 2 shall commence from entry into force of this Act.

(2) (new – SG 32/11, in force from) The persons who before entry into force of this Act have not been attested periodically or on another occasion, shall be attested ad hoc before expiration of the four-year term upon participating in a contest for promotion or transfer, upon election of administrative heads or their deputies in the judiciary authorities.

(3) (new – SG 32/11, in force from 04.01.2011) The attestation procedures that have taken place under the previous Art. 196, Items 1 – 5 before entry into force of this Act shall be deemed periodical attestation.

§ 130. (declared non-constitutional in DCC No 10/11 – SG 93/11) Within three months of entry into force of this Act the Supreme Judicial Council Act shall adopt the ordinance referred to in § 82.

§ 131. The acting chief inspector and inspectors at the Inspectorate at the Minister of Justice shall continue to exercise their functions and within one month from entry into force of this Act shall be re-appointed under official legal relationship on a position respectively "head of inspectorate" and "inspector" according to the Unified Classification of the Positions in the Administration, adopted in Decree No 47 of the Council of Ministers of 2004 (prom. - SG 18/04; amend. - SG 83/05 and SG 58/10).

§ 132. Within three months from entry into force of this Act the Minister of Justice shall issue the ordinance referred to in § 112, Item 1.

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§ 136. This Act shall enter into force on the day of its promulgation in the State Gazette except for § 20, Item 2, which shall enter into force from 1 January 2010, and § 69 regarding Art. 196, Item 2, which shall enter into force from 1 March 2011.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE ACT ON DEFENCE AND THE ARMED FORCES OF THE REPUBLIC OF BULGARIA

(PROM. - SG 23/11, IN FORCE FROM 22.03.2011)

§ 37. This Act shall enter into force from the day of its promulgation in the State Gazette except for § 1 - 8, § 11 - 14, § 17, 18 and § 29, which shall enter into force from 1 July 2011.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE JUDICIARY SYSTEM ACT

(PROM. - SG 32/11, IN FORCE FROM 19.04.2011)

§ 22. (1) The contests for junior judges and junior prosecutors and for initial appointment in the judiciary appointed before entry into force of this Act shall continue under the previous order.

(2) The junior judges and junior prosecutors appointed at the date of entry into force of this Act shall continue to occupy these positions under the previous order.

§ 23. Within 6 months from entry into force of this Act the judges, prosecutors and investigators shall file a declaration under Art. 195, Para 1.

§ 24. This Act shall enter into force from the date of its promulgation in the State Gazette except for:

1. paragraph 21, which shall enter into force on 4 January 2011;
2. paragraphs 6, 7, 9, 10, 11, 14, 15, 16, 17, 18 and 20, which shall enter into force from 1 January 2012.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE MEDICAL ESTABLISHMENTS ACT

(PROM. - SG 45/11, IN FORCE FROM 14.06.2011)

§ 5. The ordinance referred to in Art. 403a of the Judiciary System Act shall be issued within three months from entry into force of this Act.

§ 6. This Act shall enter into force from the day of its promulgation in the State Gazette.

Concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE CUSTOMS ACT

(PROM. - SG 82/11, IN FORCE FROM 01.01.2012)

§ 16. This Act shall enter into force from 1 January 2012 except for § 10, Item 1, which shall enter into force from the day of promulgation of the Act in the State Gazette.

Transitional and concluding provisions

TO THE ACT ON RESERVE OF THE ARMED FORCES OF THE REPUBLIC OF BULGARIA

(PROM. - SG 20/12, IN FORCE FROM 10.06.2012)

§ 12. This Act shall enter into force three months from its promulgation in the State Gazette, except for the provisions of Art. 56, 57, 58 and 59, which shall enter into force from September 1, 2013.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE JUDICIARY SYSTEM ACT

(PROM. - SG 50/12; AMEND. – SG 28/16)

§ 30. When conducting the elections for members of the Supreme Judicial Council in 2012, the election under Art. 19, para 1 shall take place no later than 28 September 2012

§ 31. When conducting the elections for members of the Supreme Judicial Council in 2012, the assemblies under Art. 20, Para 3 and Art.21a, para 4 shall be conducted no later than 28 September 2012.

§ 32. (1) Upon expiration of the term of office of the existing 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 all members of the council.

(2) The activity of the existing Supreme Judicial Council shall be terminated as soon as the newly elected one has been constituted pursuant to this Act.

§ 33. (1) Within 30 days from the entry into force of this Act in the Judiciary System Act shall be introduced rules for direct election of members of the Supreme Judicial Council from the judiciary quota by electronic voting.

(2) (revoked – SG 28/16)

§ 34.(1) Within six months from the date of entry into force of Chapter Three "a" or the date of being notified by the registrar of the European Court of Human Rights, persons who have filed complaints with the European Court of Human Rights regarding infringements of their right to be heard within a reasonable term may file an application pursuant to Chapter Three "a", unless the court has already ruled a judgment on the merits of the complaint or rejected it as inadmissible.

(2) Applications under para 1 shall be reviewed within 18 months from the date of submission thereof.

§ 35. For the purpose of implementation of Chapter Three "a" in 2012, the Council of Ministers shall provide supplementary budgetary appropriations in the judiciary budget and the budget of the Ministry of Justice.

§ 36. Any election procedures in relation to the administrative heads under Art. 184a and Art. 194b which are still pending on the date of entry into force of this Act shall be completed according to the previous procedure.

§ 37. (1) The present Chief Inspector and inspectors at the Inspectorate of the Minister of Justice shall continue to perform their functions and, within one month from the entry into force of this Act, shall be reappointed under employment agreements as Chief Inspector or inspector, respectively.

(2) As regards to the present Inspector General and inspectors in the Inspectorate of the Minister of Justice, the time limits under Art. 374, para 2 shall start from the date of their reappointment under employment agreements for the respective positions.

§ 38. (1) The information system under Art. 386, para 3 shall be set up within six months from the date of entry into force of this Act.

(2) The ordinance under Art. 77, para 4 shall be brought in compliance with this Act within the time limit under para 1.

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§ 40. Paragraph 15 concerning Art. 60a, Art.60b, Art.60c, paras 3, 4 and 5, and Art.60d to 60l shall enter into force as of 1 October 2012.

Concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE SOCIAL INSURANCE CODE

(PROM. - SG 81/12, IN FORCE FROM 01.09.2012)

§ 6. This Act shall enter into force as of September 1, 2012.

Transitional and concluding provisions
TO THE ACT ON THE PUBLIC FINANCES

(PROM. - SG 15/13, IN FORCE FROM 01.01.2014)

§ 123. This Act shall enter into force as of January 1, 2014, except for § 115, which shall enter into force from January 1, 2013, and § 18, § 114, § 120, § 121 and § 122, which shall enter into force from February 1, 2013.

Concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE ACT ON PUBLIC DISCLOSURE OF
THE ASSETS OF PERSONS HOLDING SENIOR GOVERNMENT POSITIONS

(PROM. - SG 30/13, IN FORCE FROM 26.03.2013)

§ 9. This Act shall enter into force from the date of its promulgation in the State Gazette.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE NATIONAL SECURITY AGENCY
ACT

(PROM. – SG 52/13, IN FORCE FROM 14.06.2013)

§ 27. The act shall enter into force from the day of its promulgation in State Gazette.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE LAW FOR THE SPATIAL PLANNING

(PROM. – SG 66/13, IN FORCE FROM 26.07.2013)

§ 117. The act shall enter into force from the day of its promulgation in State Gazette.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE LAW FOR THE SPECIAL
INTELLIGENCE MEANS

(PROM. – SG 70/13, IN FORCE FROM 09.08.2013)

§ 42. The act shall enter into force from the day of its promulgation in State Gazette except for § 1

and 15, which shall enter into force from 1 January 2014.

Transitional and concluding provisions
TO THE ACT AMENDING THE ACT ON DISCLOSURE OF THE ASSETS OF PERSONS
HOLDING SENIOR GOVERNMENT AND OTHER POSITIONS

(PROM. – SG 71/13, IN FORCE FROM 13.08.2013)

§ 9. The act shall enter into force from the day of its promulgation in State Gazette.

Transitional and concluding provisions
TO THE ELECTION CODE

(PROM. SG 19/14, in force from 05.03.2014)

§ 30. The Code shall enter into force from the day of its promulgation in the State Gazette.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE PROTECTION OF PERSONS AT
RISK IN RELATION TO CRIMINAL PROCEEDINGS ACT

(PROM. – SG 21/14, IN FORCE FROM 09.04.2014)

§ 24. The Act shall enter into force from the day of its promulgation in the State Gazette.

Concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE PENAL PROCEDURE CODE

(PROM. – SG 21/14)

§ 7. The Ordinance under Art. 403, para. 2 of the the Judiciary System Act shall be issued within two months from the entry into force of this Act.

Transitional and concluding provisions
TO THE MINISTRY OF INTERIOR ACT

(PROM. – SG 53/14)

§ 30. The instruction under Art. 144, par. 3 of the Judicial System Act shall be issued within three months after entering of the act into force.

Transitional and concluding provisions
TO THE SPATIAL DEVELOPMENT ACT

(PROM. – SG 98/14, IN FORCE FROM 28.11.2014)

§ 117. The Act shall enter into force from the date of its promulgation in the State Gazette.

Transitional and concluding provisions
TO THE STATE BUDGET ACT OF THE REPUBLIC OF BULGARIA FOR 2015

(PROM. – SG 107/14, IN FORCE FROM 01.01.2015)

§ 21. The Act shall enter into force from 1 January 2015 except for § 19, which shall enter into force from 1 December 2014.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE JUDICIARY SYSTEM ACT

(PROM. – SG 28/16, AMEND. - SG 49/18)

§ 77. The plenum of the Supreme Judicial Council shall adopt the rules referred to in Art. 29b, Para 1 within 6 months from the entry into force of this Act.

§ 78. (1) The direct election of members of the Supreme Judicial Council by the judges, prosecutors and investigators shall take place by electronic distance voting provided that before the vote the Supreme Judicial Council implements a system guaranteeing the secret of voting and the freedom of will. The electronic voting shall not revoke the possibility to vote by paper ballots. The rules referred to in Art. 29b, Para 1 shall determine also the procedure of electronic distance voting.

(2) Not later than 10 months before the expiry of the mandate of the elected members of the Supreme Judicial Council elected in 2012 shall be carried out electronic distance voting in accordance with the rules referred to in Art. 29b, Para 1.

§ 79. The direct election of members of the Supreme Judicial Council by the judges, prosecutors and investigators may be conducted also by machine voting provided that before the vote the Supreme Judicial Council implements a system guaranteeing the secret of voting and the freedom of will and if economically justified compared to the electronic voting. The machine voting shall be carried out in compliance with the procedure and rules under Chapter Two, Section Ia, in a way that a voting device displays a ballot identical to the paper ballot. A single election section shall report the results on not more than five voting devices. The machine voting shall not revoke the possibility for distance electronic voting or by paper ballots.

§ 80. Within three months from the entry into force of this Act the Council of Ministers shall adopt a decree governing the relations of transferring from the budget of the Ministry of Justice to the budget of the Supreme Judicial Council of the available funds for acquiring and management of the immovable properties of the Judiciary and the funds for the staff referred to in § 81.

§ 81. Within three months from the entry into force of this Act the officials at the Ministry of Justice whose official duties are related to the activities of management of the property of the Judiciary shall be reappointed without a contest under employment relationship to the corresponding administration of the Supreme Judicial Council.

§ 82. (1) The Supreme Judicial Council shall replace the Ministry of Justice in all rights and duties under the contracts related to the management and administration of the immovable properties of the Judiciary, signed by the Ministry of Justice.

(2) Any pending judicial or administrative proceedings regarding the management and administration of the immovable properties of the Judiciary shall continue 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 the movable items of the Judiciary managed by the Ministry of Justice shall be transferred to the Supreme Judicial Council by handing them over together with all relevant documentation.

(2) Any properties or parts of properties provided before entry into force of this Act to the Ministry of Justice for the needs of the secondary administrators of budget credits with budgets at the Minister of Justice shall continue to be used for the purpose of their activities and shall remain under the management of the Ministry of Justice.

(3) (amend. - SG 49/18) By 31 January 2019 the regional governors shall enter the changes into the acts of state property with respect to all properties of the judiciary or shall draw up acts of state property for these properties.

§ 84. The Commissions under Art. 37, Para 1 shall be elected within one month from the entry into force of this Act, and those under Art. 37, Para 3 – within three months from the entry into force of this Act.

§ 85. (1) Until the election of the Commissions on the Attestation and Contests and the Professional Ethics Commissions at the collegia of the Supreme Judicial Council the activities of attestation and conduct of the contests shall be carried out by the commissions provided before the entry into force of this Act and under the previous procedure, and the decisions shall be adopted by the respective collegia of the Supreme Judicial Council.

(2) After the election of the Commissions on the Attestation and Contests and the Professional Ethics Commissions at the collegia of the Supreme Judicial Council the activities of attestation and conduct of the contests shall be carried out by the elected commissions under the procedure before the entry into force of this Act, and the decisions shall be adopted by the respective collegia of the Supreme Judicial Council.

(3) Until the election of the Professional Ethic Commissions at the collegia of the Supreme Judicial Council, the Professional Ethics and Corruption Prevention Commission shall continue to exercise its competences under the previous order and shall submit the results of its activities to the respective collegium of the Supreme Judicial Council.

(4) After the election of the Professional Ethics Commissions at the collegia of the Supreme Judicial Council any pending proceedings shall be continued by the commissions at the judges and prosecutors collegia. The results shall be submitted for consideration to the respective collegium.

(5) Any disciplinary proceedings pending at the entry into force of this Act shall be considered under the previous order and the decisions shall be taken by the respective collegium of the Supreme Judicial Council.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE ELECTION CODE

(PROM. - SG 39/16, IN FORCE FROM 26.05.2016)

§ 155. This Act shall enter into force on the day of its promulgation in the State Gazette.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE ELECTRONIC GOVERNMENT ACT

(PROM. - SG 51/16, IN FORCE FROM 05.07.2016)

§ 60. This Act shall enter into force on the day of its promulgation in the State Gazette, except for:

1. para. 15, which shall enter into force on 1 January 2018;
2. para. 18, item 2 and 3, which shall enter into force on 1 June 2017.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE JUDICIARY SYSTEM ACT

(PROM. - SG 62/16, IN FORCE FROM 09.08.2016, AMEND. AND SUPPL. – SG 76/16, IN FORCE FROM 30.09.2016, AMEND. - SG 49/18, AMEND. - SG 11/20, IN FORCE FROM 08.08.2019, AMEND. - SG 110/20, IN FORCE FROM 30.06.2021)

§ 205. (1) A judge, prosecutor or investigator occupying at the date of entry into force of this Act a position of an administrative head in a judiciary authority, may, after the end of his mandate, remain on the position of a judge, prosecutor or investigator in the same judiciary authority, where he occupied the position of an administrative head.

(2) A judge, prosecutor or investigator occupying at the date of entry into force of this Act a position of a deputy administrative head in a judiciary authority, may, after dismissal, remain on the position of a judge, prosecutor or investigator in the same judiciary authority, where he occupied the position of a deputy administrative head.

§ 206. (1) (revoked - SG 49/18)

(2) Before entry into force of the ordinance under Art. 209b, the attestation shall be carried out under the hitherto effective procedure. The attestation proceedings pending at the entry into force of the ordinance shall be finalised under the procedure under which they have been started.

(3) (amend. and suppl. - SG 49/18) A judge, prosecutor or investigator appointed before entry into force of this Act shall not be attested periodically after receiving two consecutive positive complex assessments as referred to in Art. 196, Item 3. Periodic attestations made prior to the entry into force of this Act shall be considered as an attestation within the meaning of Art. 196, item 3, after having acquired irremovable status, regardless of the order of its acquisition.

§ 207. (1) The judges, prosecutors or investigators, commissioned at the entry into force of this Act to vacant positions, shall continue to take the corresponding positions before they are taken following a contest.

(2) Within two months from entry into force of this Act shall be announced contests for the vacant positions under Para 1, for which occupation no contests shall be announced before its entry into force.

§ 208. The disciplinary proceedings under Chapter Sixteen pending at the entry into force of this Act shall continue under the hitherto effective order.

§ 209. The contests for junior judges and junior prosecutors and for initial appointing in the judiciary authorities that have started before entry into force of this Act shall be finalised under the hitherto effective order.

§ 210. The contest procedures for promotion and transfer in the judiciary authorities that have started before entry into force of this Act shall be finalised under the hitherto effective order.

§ 211. Within one month from the entry into force of this Act the chief inspector and the inspectors at the Inspectorate at the Minister of Justice, appointed before its entry into force, shall be reappointed on a labour contract for an indefinite period to the position "chief inspector", respectively "inspector".

§ 212. By 1 January 2017, the chief inspector at the Inspectorate at the Supreme Judicial Council shall approve the forms of the declarations under Art. 175a, Para 1 and the form for the signal under Art. 175k, Para 5.

§ 213. The proceedings under the Act on Prevention and Finding of Conflict of Interest and the Act on Public Disclosure of the Assets of Senior Government and Other Officials in respect of a judge, prosecutor or investigator, pending at 1 January 2017, shall be finalised under the hitherto effective order.

§ 214. The trainee lawyers, whose training started before entry into force of the ordinance under Art. 297a, shall continue the training and take the exams for acquiring legal capacity under the hitherto effective procedure and order.

§ 215. (1) The acts of secondary legislation on the implementation of this Act shall be adopted or brought into compliance with this Act within 6 months from its entry into force.

(2) The methodologies under Art. 28, Para 2 and Art. 50, Para 2 shall be adopted within 6 months from entry into force of this Act.

(3) Until the adoption of the acts of secondary legislation under Para 1 or bringing them into compliance with this Act shall apply the effective acts of secondary legislation, unless they contradict this Act.

§ 216. (1) (Amend. - SG 11/20, in force from 08.08.2019, amend. - SG 110/20, in force from 31.12.2020) By 31 of June 2020:

1. the judiciary authorities may perform the acts referred to in **Art. 360g, Para 1 - 5** in case it is technologically and technically possible for the corresponding authority and following a decision of the plenum of the Supreme Judicial Council;

2. the judiciary authorities shall store the documents filed on paper under an order determined by the plenum of the Supreme Judicial Council;

3. the judiciary authorities may issue certification statements in compliance with the provisions of this Act, issue acts and perform other procedural acts in electronic form provided by the law, where the plenum of the Supreme Judicial Council has determined in a decision which ones of them may be performed in this way and has established that the technical possibility to perform them has been ensured;

4. the judiciary authorities may maintain websites enabling the performance of procedural acts and issue of certification statements in electronic form; the acts provided for in **Art. 360c, Para 2, Items 1 - 3** may be performed through the single portal for electronic justice following a decision of the plenum of the Supreme Judicial Council, if such functionalities have been ensured;

5. the plenum of the Supreme Judicial Council and the Minister of Justice may enable exchange for one or different administrative authorities, persons exercising public functions, and organisations providing public services by determining the moment for initially enabling the exchange with coordinated decision;

6. the plenum of the Supreme Judicial Council, in coordination with the Minister of Justice, shall develop a single centralised information system for the courts.

(2) (Amend. - SG 11/20, in force from 08.08.2019, amend. - SG 110/20, in force from 31.12.2020) The single centralised information system of the prosecution authority shall be brought into compliance with this Act by 30 of June 2021. After the expiry of this term the pre-trial authorities shall be obliged to use the system for performance of procedural acts in electronic form and for making certification statements.

(3) (Amend. - SG 11/20, in force from 08.08.2019, amend. - SG 110/20, in force from 31.12.2020) By 30 of June 2021, the judiciary authorities may request information on judicial registration under the hitherto effective order.

§ 217. (1) Until the development and entry into operation of the single centralised information system for the courts, the maintenance of the register of the acts of the courts shall be ensured by the plenum of the Supreme Judicial Council.

(2) Within 6 months from the entry into force of this Act the plenum of the Supreme Judicial Council shall determine the acts referred to in Art. 360n, Para 3.

§ 218. (1) All cases opened on paper within three months from entry into force of this Act shall be finalised under the hitherto effective order. The parties may not perform procedural acts in electronic form in these cases.

(2) At the availability of decisions of the plenum of the Supreme Judicial Council under § 216, Para 1, Items 1 and 3 the judiciary authority may keep only electronic cases.

(3) Where within three years from the entry into force of this Act a judiciary authority has taken an electronic image of pending or finalised cases, the corresponding authority may provide access thereto only for reference.

§ 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 judiciary authorities within two years from entry into force of this Act.

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§ 229. This Act shall enter into force from the date of its promulgation in the State Gazette, except for:

1. paragraphs 86, 126, 202, 227 and 228, which shall enter into force from 1 January 2017;

2. (new – SG 76/16, in force from 09.08.2016) paragraphs 156, 159 and 195, which shall enter into force on 1st of January 2018;

3. (prev. item 2 – SG 76/16, in force from 09.08.2016) paragraph 194 in respect of **Art. 360n - 360r**, which shall enter into force 6 months after the promulgation of the Act in the State Gazette;
4. (prev. item 3 – SG 76/16, in force from 09.08.2016, amend. - SG 11/20, in force from 08.08.2019, amend. - SG 110/20, in force from 31.12.2020) paragraph 194 in respect of **Art. 360c, Para 2, Art. 360g, Art. 360h, Para 1** and **Art. 360l**, which shall enter into force on 1 of July, 2021.

Transitional and concluding provisions

TO THE ACT ON APPLICATION OF THE MEASURES AGAINST MARKET ABUSE WITH FINANCIAL INSTRUMENTS

(PROM. – SG 76/16, IN FORCE FROM 09.08.2016)

§ 15. The act shall come into force from the day of its publication in the State Gazette with the exception of § 11, which shall come into force from 9 August 2016.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING LEGAL AID ACT

(PROM. - SG 13/17)

§ 14. (1) The provision of Art. 67, para. 3 of the Judiciary System Act does not apply to jurors elected by August 9, 2016.

(2) Jurors elected by 9 August 2016 shall complete the 5-year term for which they were elected.

(3) Jurors elected by August 9, 2016, who until the entry into force of this Act are released from duty before the appointed time on the basis of Art. 69, para. 1 or Art. 71, para. 1, item 7 of the Judiciary System Act shall reinstated by a decision of the relevant general meeting.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE PENAL PROCEDURE CODE

(PROM. - SG 63 OF 2017, IN FORCE FROM 05.11.2017)

§ 116. The act shall enter into force three months after its promulgation in the State Gazette.

Concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE JUDICIARY SYSTEM ACT

(PROM. - SG 65 OF 2017)

§ 7. Within 30 days of the entry into force of this Act, all judges, prosecutors and investigators, the members of the Supreme Judicial Council, the Chief Inspector and the inspectors from the Inspectorate to the Supreme Judicial Council shall submit to the respective college of the Supreme Judicial Council a declaration under Art. 195a, para. 1, sentence one.

Concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE JUDICIARY SYSTEM ACT

(PROM. – SG 90/17)

§ 20. Paragraphs 15, 16, 17, 18 and 19 shall enter into force on January 1, 2018.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE ACT ON LIMITATION OF THE ADMINISTRATIVE REGULATION AND THE ADMINISTRATIVE CONTROL OVER THE

BUSINESS ACTIVITY

(PROM. - SG 103/17, IN FORCE FROM 01.01.2018)

§ 68. The Act shall enter into force on 01 January 2018.

Transitional and concluding provisions

TO THE ACT ON COUNTERACTING CORRUPTION AND ON SEIZURE OF ILLEGALLY ACQUIRED PROPERTY

(PROM - SG 7 OF 2018)

§ 60. In the Judiciary System Act (promulgated, SG issue 64 of 2007, amend., SG 69 and 109 of 2008, issue 25, 33, 42, 102 and 103 of 2009, issue 59 of 2010, issue 1, 23, 32, 45, 81 and 82 of 2011, Constitutional Court's Decision № 10 of 2011 - issue 93 of 2011, amend. issue 20, 50 and 81 of 2012, issues № 15, 17, 30, 52, 66, 70 and 71 of 2013, issues 19, 21, 53, 98 and 107 of 2014, issue 14 of 2015, issues 28, 39, 50, 62 and 76 of 2016, issue 13 of 2017; Decision № 1 of the Constitutional Court of 2017 - № 14 of 2017; amend. № 63, 65, 85 and 90 of 2017), the following amendments shall be made:

.....

4. Everywhere in the Act, the words "Art. 2 of the Law on the Prevention and Establishing Conflict of Interests" shall be replaced by "Art. 52 of the Act On Counteracting Corruption And On Seizure Of Illegally Acquired Property".

Transitional and concluding provisions

TO THE MARKETS IN FINANCIAL INSTRUMENTS ACT

(PROM. - 15 OF 2018, IN FORCE FROM 16.02.2018)

§ 42. This Act shall enter into force on the day of its promulgation in the State Gazette, with the exception of:

1. Article 222, Para. 1-3, which shall enter into force on 3 September 2019;
2. paragraph 13, item 12, letter a, which shall enter into force on 1 January 2018;
3. paragraph 13, item 12, letter b, which shall enter into force on 21 November 2017;
4. paragraph 17, item 37 concerning Art. 264a and item 39 regarding Art. 273b, which shall enter into force on 1 January 2020.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE JUDICIARY SYSTEM ACT

(PROM. – SG 49/18)

§ 23. Within one month of the entry into force of this Act the judicial officers shall submit a declaration that they meet the requirements for taking up the position under Art. 340a, para. 1 and a declaration of incompatibility under Art. 340a, para. 2.

§ 24. Procedures for exceptional attestation started until the entry into force of this Act in connection with the competition for promotions or transfers, as well as for the election of administrative heads in the judiciary authorities shall be completed under the previous order.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE ADMINISTRATIVE PROCEDURE CODE

(PROM. - SG 77/18, IN FORCE FROM 01.01.2019)

§ 156. The Act shall enter into force on 1 January 2019, with the exception of:

1. paragraphs 4, 11, 14, 16, 20, 30, 31, 74 and § 105 item 1 on the first sentence, and item 2 which shall enter into force on 10 October 2019;
2. paragraphs 38 and 77, which shall enter into force two months after the promulgation of this Act in the State Gazette;
3. paragraph 79, items 1, 2, 3, 5, 6 and 7, § 150 and 153, which shall enter into force on the day of the promulgation of this Act in the State Gazette.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE PROTECTION OF PERSONAL DATA ACT

(PROM. - SG 17/19)

§ 121. Within two months after the entry into force of this Act, the regulations under **Art. 55, Para. 8** of the Judiciary System Act shall be brought into line with this Act.

Transitional and concluding provisions

TO THE ACT, AMENDING AND SUPPLEMENTING THE JUDICIARY SYSTEM ACT

(PROM. – SG, 29/19)

§ 22. The competitions for junior judges and junior prosecutors, which have been started before the entry into force of this Act, and for initial appointment in the bodies of the judiciary, shall be completed according to the current terms and conditions.

§ 23. The competitions for promotion and transfer to the bodies of the judiciary, which have begun before this Act enters into force, shall be completed according to the current terms and conditions.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE PHYSICAL EDUCATION AND SPORTS ACT

(PROM. - SG 64/19, IN FORCE FROM 13.08.2019)

§ 9. This Act shall enter into force on the day of its promulgation in the State Gazette, with the exception of:

1. paragraphs 1, 2 and 3, which shall enter into force on 1 March 2020;
2. paragraph 6, which shall enter into force on 18 January 2019.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE MARKETS IN FINANCIAL INSTRUMENTS ACT

(PROM. - SG 83/19, IN FORCE FROM 01.11.2019)

§ 82. This Act shall enter into force on the day of its promulgation in the State Gazette, except for:

1. paragraph 60, which enters into force 6 months after the promulgation of the Act in the State Gazette;
2. paragraph 67, items 6 and 7, which enter into force on the day on which starts to apply the decision of the European Central Bank for close cooperation pursuant to Art. 7 of Council Regulation (EU) № 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions;
3. paragraph 77, which enters into force on 1 November 2019.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE JUDICIARY SYSTEM ACT

(PROM. - SG 11/20)

§ 72. (1) Any disciplinary proceedings, contests, proceedings under **Chapter Three "a"** and proceedings under **Chapter Nine, Sections I "a"** and **I "b"**, not completed until the entry into force of this act, shall be finished under the order prevailing hitherto.

(2) The files assigned to the members of the Committee on attestation and contests for the preparation of comprehensive evaluation from the attestation until the entry into force of this Act shall be completed in the present order.

§ 73. Jurors, whose term of office has expired before the entry into force of this Act, shall continue to fulfill their functions and obligations related to them until the list of candidates for the respective court has been completed with 50 percent of the number of people as determined under **Art. 67a**.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE JUDICIARY SYSTEM ACT

(PROM. - SG 86 FROM 2020)

§ 6. Within 6 months from the entry into force of this Act:

1. the Council of Ministers shall adopt the amendments and supplements to Tariff № 1 to the Stamp Duty Act for fees collected by the courts, the prosecution, the investigation services and the Ministry of Justice, arising from this act;

2. the Minister of Justice shall issue the ordinance under **Art. 360s, Para. 1**.

§ 7. The ordinance under **Art. 403, Para. 1**, shall be brought in compliance with this Act by July 1, 2021.

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§ 9. Paragraphs 4 and 5 shall enter into force on January 1, 2021.

Additional provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE PENAL-PROCEDURE CODE

(PROM. - SG 103/20)

§ 11. This Act and **Art. 253, Para. 3, item 5 of the Penal Code** introduce the requirements of Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money laundering by criminal law (OJ, L 284/22 of 12 November 2018).

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE PENAL-PROCEDURE CODE

(PROM. - SG 103/20)

§ 12. The European Prosecutor and the European Delegated Prosecutors may intervene in the pending criminal proceedings for crimes within the competence of the European Public Prosecutor's Office, committed after November 20, 2017, instituted by the authorities of the Republic of Bulgaria, in accordance with Regulation (EU) 2017/1939.

Transitional and concluding provisions

**TO THE ACT AMENDING AND SUPPLEMENTING THE ACT ON THE RESERVE OF THE
ARMED FORCES OF THE REPUBLIC OF BULGARIA**

(PROM. – SG 109/20, IN FORCE FROM 22.12.2020)

§ 36. This Act shall enter into force on the day of its promulgation in the State Gazette.

Transitional and concluding provisions

**TO THE ACT AMENDING AND SUPPLEMENTING THE ADMINISTRATIVE VIOLATIONS
AND PENALTIES ACT**

(PROM. – SG 109/20, IN FORCE FROM 23.12.2021)

§ 51. This Act shall enter into force one year after its promulgation in the State Gazette.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE CODE OF CIVIL PROCEDURE

(PROM. - SG 110/20, IN FORCE FROM 30.06.2021)

§ 28. The Act shall enter into force on June 30, 2021, except for:

1. paragraphs 9 and 25, which shall enter into force on 30 June 2022;
2. paragraphs 26 and 27, which shall enter into force on 31 December 2020.

Transitional and concluding provisions

**TO THE ACT AMENDING AND SUPPLEMENTING THE ACT ON PROTECTION OF PERSONS
AT RISK IN RELATION TO CRIMINAL PROCEEDINGS**

(PROM. - SG 80 OF 2021)

§ 24. With the entry into force of this Act, the Bureau for Protection under the Prosecutor General shall be transformed into an independent organizational structure, "Bureau for Protection of Persons at Risk" under the Minister of Justice.

§ 25. Tangible fixed assets used by the Bureau for Protection at the Prosecutor General shall be provided to the Ministry of Justice.

§ 26. (1) The official legal relations of the employees of the Bureau for Protection at the Prosecutor General shall pass into official legal relations with the Ministry of Justice.

(2) The labour legal relations of the employees of the Bureau for Protection at the Prosecutor General shall be transferred to the Ministry of Justice according to Art. 123 of the Labour Code.

(3) The persons under Para. 1 and 2 shall be transferred to the Ministry of Justice without a probationary period, except for the employees who are on a probationary period.

§ 27. Within three months from the entry into force of this Act, the Minister of Justice together with the Prosecutor General shall carry out the activities necessary for the transfer of the Bureau for Protection to the Minister of Justice. The three-month term shall also apply to the activities under § 25, related to the transfer of the tangible fixed assets to the Ministry of Justice.

Transitional and concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE ELECTRONIC GOVERNMENT ACT

(PROM. - SG 15/22, IN FORCE FROM 22.02.2022)

§ 29. This Act shall enter into force on the day of its promulgation in the State Gazette.

Concluding provisions

TO THE ACT SUPPLEMENTING THE EXECUTION OF PENALTIES AND DETENTION ACT

(PROM. - SG 24/22)

§ 3. Within 4 months from the entry into force of the act, the Minister of Justice shall:

1. bring in line with it the secondary legislation for carrying out the convoy activity;
2. issue the instruction under Art. 391, Para. 8 of the Judiciary System Act.

Transitional and concluding provisions

TO THE ACT, AMENDING AND SUPPLEMENTING THE JUDICIARY SYSTEM ACT

(PUBL. - SG 32/22, in force from 27.07.2022, AMEND. - SG 56/22)

§ 43. Upon the entry into force of this Act, the Specialized Criminal Court, the Specialized Criminal Court of Appeal, the Specialized Prosecutor's Office and the Specialized Prosecutor's Office of Appeal shall be closed.

§ 44. (In force from 26.04.2022) (1) Judges of the Specialized Criminal Court and the Specialized Criminal Court of Appeal shall be reappointed under the conditions and in accordance with the procedure of Art. 194, Para. 1.

(2) Within 14 days from the promulgation of this Act, the persons, referred to in Para. 1 may submit an application to the Judicial College of the Supreme Judicial Council, stating their wish to be reinstated to the position of judge they held before their appointment to the Specialized Criminal Court or the Specialized Criminal Court of Appeal, as the case may be.

(3) (Declared unconstitutional in the part concerning the second sentence by CCD No. 7 of 2022 - SG 56/22) Within 30 days from the expiry of the period, referred to in Para. 2, the Judicial Collegium of the Supreme Judicial Council shall adopt a decision on the opening of posts of judges in courts, corresponding to those to be closed in the Specialized Criminal Court and the Specialized Criminal Court of Appeal, taking into account the workload of the respective court. **Up to a quarter of the judges from the closed Specialized Criminal Court and up to a third of the judges from the closed Specialized Criminal Court of Appeal shall be reassigned to one court.**

(4) After the expiry of the period, referred to in Para. 3, the College of Judges of the Supreme Judicial Council shall reappoint the judges as of the entry into force of this Act.

(5) The decisions of the College of Judges of the Supreme Judicial Council under Para. 4 shall be subject to provisional execution.

§ 45. (In force from 26.04.2022) (1) The prosecutors of the Specialized Prosecutor's Office and the Appellate Specialized Prosecutor's Office shall be reappointed under the conditions and in accordance with the procedure of Art. 194, Para. 1.

(2) Within 14 days from the promulgation of this Act, the persons, referred to in Para. 1 may submit an application to the Prosecutorial College of the Supreme Judicial Council, in which they shall state their wish to be reinstated to the position of prosecutor, which they held before their appointment to the Specialized Prosecutor's Office, respectively the Specialized Prosecutor's Office of Appeal.

(3) (Declared unconstitutional in the part concerning the second sentence by CCD No. 7 of 2022 - SG 56/22) Within 30 days from the expiry of the term, referred to in Para. 2, the Prosecutorial College of the Supreme Judicial Council shall adopt a decision on the opening of posts of prosecutors in prosecution offices, corresponding to those, being closed in the Specialized Prosecution Office and the Specialized Prosecution Office of Appeal. **Up to one third of the prosecutors from the closed Specialized Prosecutor's Office and the closed Specialized Prosecutor's Office of Appeal, respectively, shall be reassigned to one prosecutor's office.**

(4) Investigators from the Investigation Department of the Specialized Prosecutor's Office shall be reassigned to the District Investigation Departments of the District Prosecutor's Offices under the conditions

and in accordance with the procedure of Article 194, Para. 1.

(5) Within 14 days of the promulgation of this Act, the persons, referred to in Para. 4 may submit an application to the Prosecutorial Collegium of the Supreme Judicial Council stating their wish to be reinstated to the position of investigator, which they held before their appointment to the Investigation Department of the Specialized Prosecution Office.

(6) (Declared unconstitutional in the part concerning the second sentence by CCD No. 7 of 2022 - SG 56/22) Within 30 days from the expiry of the term under Para. 5, the Prosecutorial Collegium of the Supreme Judicial Council shall adopt a decision on the opening of positions of investigators, corresponding to the positions to be closed in the Investigation Department of the Specialized Prosecutor's Office. **Up to one third of the investigators of the closed investigative unit of the Specialized Prosecution Office shall be reassigned to one investigative unit.**

(7) After the expiry of the period, referred to in Para. 3 and 6, the Prosecutorial College of the Supreme Judicial Council shall reappoint prosecutors and investigators as from the entry into force of this Act.

(8) The College of Prosecutors of the Supreme Judicial Council shall reappoint without competition the incumbent junior investigators to the Investigation Department of the Specialized Prosecution Office, who have not completed the training under Art. 249, Para. 1, item 1, to a junior investigator position, corresponding to the position to be abolished in the investigative departments of the respective district prosecutor's offices.

(9) The Prosecutorial Collegium of the Supreme Judicial Council shall appoint the junior investigators in the Investigation Department of the Specialized Prosecutor's Office to positions, corresponding to the positions to be abolished in the district investigation departments of the respective district prosecutor's offices.

(10) The decisions of the Prosecutorial Collegium of the Supreme Judicial Council under Para. 7, 8 and 9 shall be subject to provisional execution.

§ 46. The persons, referred to in § 44, Para. 1 and § 45, Para. 1 and 4 shall be reappointed without prejudice to the rank and remuneration acquired.

§ 47. (1) Persons, who are entitled on the basis of Article 28, Article 50 or Article 195, Paragraph 4 to be restored to the position, held before their election or appointment in the judicial authorities, closed by this Act, having submitted an application to the relevant collegium of the Supreme Judicial Council within 14 days of their dismissal, shall be restored to a position of equal rank in the relevant judicial authorities.

(2) Persons who, on the date of entry into force of this Act, hold the post of administrative head and deputy administrative head and, after their dismissal from the respective post, have to return to a post in the closed specialized courts and prosecution offices, shall be reassigned to a post of equal rank in the respective bodies of the judiciary.

§ 48. The pre-trial proceedings and files in the Specialized Prosecutor's Office, pending before the entry into force of this Act shall be sent to the respective prosecutor's offices within 7 days from the entry into force of this Act.

§ 49. Criminal cases of first instance before the Specialized Criminal Court, in which no dispositional hearing has been held before the entry into force of this Act, shall be sent to the respective courts of jurisdiction within 7 days from the entry into force of this Act.

§ 50. (1) Upon the entry into force of this Act, the first instance criminal cases before the Specialized Criminal Court, in which a dispositional hearing has been held, shall become subject to the jurisdiction of the Sofia City Court and their examination shall be continued by the panel of judges, who held the hearing.

(2) Judges of the Trial Chambers, who have not been reassigned to the Sofia City Court shall be seconded to participate in the examination of the cases until the completion of the proceedings.

(3) The judges of the panel of judges, who have heard the first instance criminal cases, on which a verdict has been passed, when they have not been reassigned to the Sofia City Court, shall be seconded to

announce the reasons for the verdict.

(4) In the cases, referred to in paragraphs 2 and 3 of Art. 227, par. 1 shall not apply.

§ 51. Proceedings, pending before the Specialized Criminal Court of Appeal, which have not been disposed of before the entry into force of this Act, shall be sent to the respective Courts of Appeal for jurisdiction within 7 days from the entry into force of this Act.

§ 52. (1) Proceedings, pending before the Specialized Criminal Court of Appeal, in which a dispositional hearing has been held before the entry into force of this Act, shall become subject to the jurisdiction of the Sofia Court of Appeal and their examination shall be continued by the panel of judges, who held the hearing.

(2) The judges of the Trial Chambers, who have not been reassigned to the Sofia Court of Appeal shall be seconded to participate in the examination of the cases until the completion of the proceedings. In such cases, Article 227, Para. 1 shall not apply.

§ 53. The judges of the panel of judges, who have heard the appeal cases on which a verdict has been rendered or have been declared for decision, who have not been reassigned to the Sofia Court of Appeal, shall be seconded for the announcement of the reasons to the verdict or for the pronouncement and announcement of the decision in the case. In this case, Article 227, Para. 1 shall not apply.

§ 54. Upon the entry into force of this Act, the term of office of jurors, selected to participate in proceedings before the Specialized Criminal Court shall terminate, except for jurors, participating in proceedings, in which a dispositional hearing has been held. Their mandate in these proceedings shall continue as jurors in the Sofia City Court and shall be terminated from the date of the announcement of the reasons for the verdict or from the date of termination of the criminal or judicial proceedings.

§ 55. The administrative heads of the closing and the receiving judicial authorities shall make arrangements for the transmission and reception of the pending and the closed cases, files and archives.

§ 56. The employment relationships of the employees of the Specialized Criminal Court, the Specialized Criminal Court of Appeal, the Specialized Prosecutor's Office and the Specialized Prosecutor's Office of Appeal shall be regulated under the terms and in accordance with the procedure, laid down in Article 123 of the Labour Code and in accordance with Article 341, Para. 2 and Article 343, Para. 2 of the Judiciary System Act, where § 59 shall not apply.

§ 57. (In force from 26.04.2022) The competitions for appointment to the judiciary bodies, which have been initiated but not concluded on the date of promulgation of this Act, which are being closed shall be terminated.

§ 58. (In force from 26.04.2022) The attestation procedures, initiated but not completed on the date of promulgation of this Act, in connection with announced competitions for appointment to the judicial authorities, which are being closed shall be terminated, unless the attestation relates to other competition and election procedures.

§ 59. (1) The Sofia City Court shall succeed to the assets, liabilities, rights and obligations of the Specialized Criminal Court.

(2) The Sofia Court of Appeal shall be the successor to the assets, liabilities, rights and obligations of the Specialized Criminal Court of Appeal.

§ 67. The Act shall enter into force three months after its promulgation in the State Gazette, except for §§ 1, 2, 5, 6, 18, 28, 32, 34, 44, 45, 57 and 58, which shall enter into force on the day of promulgation.

Concluding provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE JUDICIAL SYSTEM ACT

(PROM. - SG 62/22)

§ 7. (1) Within a period of up to one month from the entry into force of this Act, upon proposal of the European delegated prosecutor under Art. 139a, Para. 1, the prosecutor's collegium of the Supreme Judicial Council shall designate positions for judicial officers in the administration under Art. 136, Para. 10,

making the corresponding changes in the Classifier of positions in the administration of the Prosecutor's Office of the Republic of Bulgaria.

(2) Within the term under Para. 1, upon proposal of the European delegated prosecutor under Art. 139a, Para. 1, the prosecutor's collegium of the Supreme Judicial Council shall determine the number of employees in the administration under Art. 136, Para. 10.

§ 8. The Council of Ministers shall provide the Supreme Judicial Council with a building to ensure the activities of the European delegated prosecutors.