

Justice System - Bulgaria

Independence

Appointment and selection of judges, prosecutors and court presidents

(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts) 3000 character(s) maximu

The legal basis for appointment and selection of judges and prosecutors is contained in Judiciary System Act.

The judges and prosecutors shall be appointed from office by decision of the respective chamber of the Supreme Judicial Council in accordance with Article 160.

Eligibility for appointment as a judge and prosecutor shall be limited to persons who hold Bulgarian citizenship only and cumulatively fulfill the following conditions:

- hold a university degree in law;
- licensed to practice law after a six-month internship as legal interns and sitting for an examination;
- possess the required moral integrity and professional standing complying with the Code of Ethical Conduct of Bulgarian Magistrates;
- have not been sentenced to deprivation of liberty for an intentional criminal offence;
- notwithstanding any subsequent rehabilitation, are not elective member of the Supreme Judicial Council who have been released from office on disciplinary grounds for damaging the prestige of the Judiciary;
- do not suffer from a mental illness.

The respective chamber of the Supreme Judicial Council shall announce a separate competition for each judicial authority by means of promulgation of the decision in the State Gazette, publication of the said decision in one national daily newspaper and on the website of the Supreme Judicial Council. The announcement shall set out:

1. the number and type of positions and the judicial authorities to which these refer;
2. the documents required, the deadline and place for the submission thereof;
3. the programme for holding of the competition;
4. the date, time and place of holding of the competition.

The Commission on Appraisal and Competitions of Supreme Judicial Council with the respective chamber shall check the documents, and the circumstances relating to the previous conviction status of candidates shall be established by official channels.

The lists of persons admitted to and denied entry into the competition shall be announced on the website of the Supreme Judicial Council at least seven days prior to the date of holding of the competition.

The competition shall consist of a written and oral examination, which shall be graded on a six-point

scale. The written examination shall be anonymous and shall consist in testing knowledge in the field of law chosen by the candidate by solving a legal problem, European Union law and in the field of human rights by a test. The results of the written examination shall be displayed at a place accessible to the general public in the building of the Supreme Judicial Council and shall be published on the website thereof within three days after the commission for the holding of the examination has signed the memorandum.

Solely candidates who have received a score not lower than "very good 4.50" for the legal problem and the test shall be admitted to the oral examination. The oral examination shall take place not earlier than 7 days after the announcement and shall consist in an interview with the candidate on questions of the respective fields of law as well as on questions of the Code of Ethical Behaviour of Bulgarian Magistrates, according to a compendium published in advance.

The competition commission shall display the results of the oral examination within seven days from the conduct of the said examination at a place accessible to the general public in the building of the Supreme Judicial Council and shall publish the said results on the website thereof. The ranking shall be limited to the candidates who have received a score not lower than "good 4.00" for the oral examination.

The competition commission shall rank the entrants in the competition according to the score arrived at as a sum total of the scores received for the written and the oral examination. In case of equal scores, the competition commission shall give preference to the candidate with a higher overall score from the State final certification examinations. In case of equal scores, the competition commission shall rank the candidate with the higher overall score from the studies for acquiring higher legal education in Law.

Within a period of 7 days as of the announcement of the ranking, the candidates ranked for the announced vacant positions, as well as the same number of reserves, shall submit the declarations to the Supreme Judicial Council. The Commission on Professional Ethics with the respective chamber shall provide the said chamber with information on the moral integrity possessed by the candidates ranked for the positions opened to competition and shall prepare an opinion on each candidate.

On the basis of the results of the ranking and the the competition commission shall propose to the respective chamber of the Supreme Judicial Council to approve the candidates for junior judge, junior prosecutor and junior investigating magistrate.

The approved candidates for junior judge, junior prosecutor and junior investigating magistrate shall expressly declare in writing to the respective chamber of the Supreme Judicial Council their wish to be appointed to the relevant position, in the order of the score with each next highest ranked candidate choosing between the positions for which no such wish has been declared. Any candidate who fails to express a wish shall be replaced by the next highest ranked candidate approved.

The respective chamber of the Supreme Judicial Council shall, by a decision, adopt the final list of approved candidates for junior judge, junior prosecutor and junior investigating magistrate for the relevant positions conforming to the wish expressed thereby. Any interested party may appeal the decision of the respective chamber of the Supreme Judicial within seven days from its

announcement. An appeal shall stay the enforcement of the decision, unless the court decrees otherwise.

The Supreme Administrative Court, sitting in public session, shall examine the appeal and shall pronounce by a judgment within one month from the receipt of the appeal at the Court together with the administrative case file, summoning the appellant, the administrative authority and the interested parties. The judgment of the Court shall be final.

After the entry into force of the decision on the appointment of a judge and prosecutor the respective chamber of the Supreme Judicial Council shall inform the person who shall occupy the position within one month. Entry into office shall be certified in writing before the administrative head of the judicial authority concerned. On the basis of the decision of the respective chamber of the Supreme Judicial Council on the appointment of a judge and prosecutor shall issue an act on the occupancy of the position which shall contain:

1. the name of the judicial authority in which the position is occupied;
2. the legal basis for occupying the said position;
3. the name of the position and the rank;
4. the amount of the basic and supplementary remuneration;
5. the date of entry in office.

The judges and prosecutors shall commence discharging the official duties thereof as of the date of entry into office.

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Irremovability of judges; including transfers, dismissal and retirement regime of judges, court presidents and prosecutors 3000 character(s) maximu After completing five years in office as a judge and after appraisal, judges shall acquire tenure status by a decision of the Judges Chamber of the Supreme Judicial Council in accordance with Article 129, paragraph 3 of Constitution of the Republic of Bulgaria.

The legal basis for irremovability of judges, including transfers of judges and dismissal, is contained in Judiciary System Act.

Appraisal for the purpose of acquiring tenure shall have as an object to make an objective evaluation of the professional qualification and of compliance with the rules of the relevant code of ethics after the completion of five years' service in the position of a judge. Upon an appraisal for the purposes of acquiring tenure, the results of the advance appraisal of a judge shall be taken into consideration in cases where initial appraisal was carried out.

The criteria for the appraisal of a judge shall be legal knowledge and skills of applying it; skill of analysing legally relevant facts; skill of making optimum working arrangements; efficiency and discipline and compliance with the rules of ethical behaviour. In the course of the appraisal the

following indicators shall be taken into account: keeping deadlines; number of instruments upheld and reversed and the grounds for this; the results of inspections carried out by the Inspectorate with the Supreme Judicial Council and the overall caseload of the respective judicial district and judicial authority, as well as the workload of the appraised judge, prosecutor or investigating magistrate compared to other judges, prosecutors or investigating magistrates in the same judicial authority. The time served by the judge as a permanent trainer at the National Institute of Justice shall also be included in the appraisal period. The evaluation of the work performance as a trainer shall be given by the Managing Board.

A judge shall be appraised under the following specific criteria:

1. complying with the schedule for conduct of court hearings;
2. skill of conducting a court hearing and drawing up a record of proceedings;
3. administrating cases and appeals, preparing for a court hearing;
4. number of appealed judicial instruments from among the appealable judicial instruments, appealed judicial instruments upheld, judicial instruments reversed or invalidated, in whole or in part, and the grounds for it; the ability to reason and justify judicial instruments and to analyse evidence shall be subject to evaluation.

The appraisal shall commence on a proposal by the judge concerned or by the administrative head of the judicial authority concerned. The Commission on Appraisal and Competitions with the respective chamber of the Supreme Judicial Council shall be approached with the proposal for appraisal for the purpose of acquiring tenure and for periodic appraisal not earlier than one month prior to the expiry of the 5-year period. Upon the appraisal for the purpose of acquiring tenure, the professional development of the judge shall be evaluated, including on the basis of the individual plans for professional development thereof. On the basis of the said evaluation, the appraisal may envisage an additional plan for professional development.

The Commission on Appraisal and Competitions of the Judges Chamber shall present the aggregate score to the person appraised, who may lodge an objection in writing to Judges Chamber of the Supreme Judicial Council within seven days. If an objection has been lodged, the Judges Chamber of the Supreme Judicial Council shall hear the magistrate appraised who has lodged the objection and shall notify said magistrate not less than 7 days before the date of the hearing.

The Commission on Appraisals and Competitions shall express an opinion in writing on the objection and, if necessary, shall collect additional information.

After assessing all of the circumstances, the Judges Chamber of the Supreme Judicial Council shall:

1. adopt the proposed aggregate score;
2. adopt a new aggregate score;
3. return the case-file in case of incomplete or imprecise facts, where it is necessary to collect additional information.

The decision whereby the proposed aggregate score in the appraisal is adopted or a new aggregate score is determined shall be subject to appeal before a three-member panel of the Supreme Administrative Court. The judgment of the Court shall be final.

The aggregate score from the appraisal together with the recommendations to the person appraised

shall be adopted by a decision of the Judges Chamber of the Supreme Judicial Council.

In the cases where the aggregate score from the appraisal to acquire tenure is negative, the Judges Chamber of the Supreme Judicial Council shall deny the acquisition of tenure by a decision and the person appraised shall be released from office.

A judge shall acquire tenure after completing five years service in the respective position and after receiving a positive aggregate score from the appraisal. The time served as junior judge shall be assimilated to the length of service for the purpose of acquiring tenure.

Where a judge is constituted as a party accused of an intentional publicly prosecutable offence, the Judges Chamber of the Supreme Judicial Council may suspend the said magistrate from office pending completion of the criminal proceedings. Upon a proposal of the supervising prosecutor, the Prosecutor General shall make a reasoned request for suspension from office, enclosing sufficient information.

The chamber shall deliver a reasoned decision within a period of 14 days of receiving the request. The decision shall be subject to appeal pursuant.

Where detention in custody or house arrest has been ordered for a judge in connection to charges related to an intentional publicly prosecutable offence as a precautionary measure to secure the appearance thereof, the said magistrate shall be considered suspended from office as from the date when the judicial instrument decreeing any such measure became enforceable. The body who ordered the precautionary measure shall notify the Judges Chamber of the Supreme Judicial Council of this.

Upon termination of the criminal proceedings or upon rendition of a sentence of acquittal, the judge who has been suspended from office shall be reinstated and shall be paid the difference between the remuneration received and the full amount of the labour remuneration for the period of the suspension.

Where disciplinary proceedings have been instituted for the imposition of a sanction of release from office on disciplinary grounds on a judge, the Judges Chamber of the Supreme Judicial Council, acting on a motion by the disciplinary panel, may suspend the said magistrate from office for a period of up to three months.

In accordance with Article 129, paragraph 3 of Constitution of the Republic of Bulgaria a judge, may be released from office solely upon:

1. attaining the age of 65 years;
2. tendering resignation;
3. entry into effect of a sentence whereby a penal sanction of deprivation of liberty has been imposed for an intentional offence;
4. sustained actual inability to discharge the duties thereof for a period exceeding one year;
5. grave breach or systematic dereliction of the official duties, as well as actions damaging the prestige of the judiciary.

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Promotion of judges and prosecutors 3000 character(s) maximu Promotion is defined by the law as advancement to a higher hierarchical position in a judi-cial authority, which takes

place by a decision of the Supreme Judicial Council (SJC). In particular, the provision of Article 129 of the Constitution of Republic of Bulgaria vests in the SJC the power to promote magistrates. In the meantime, the supreme law enables also the Minister of Justice to make proposals for their promotion.

Promotion takes place by a contest regulated in Section IIa of the Judiciary System Act (JSA). There is no explicit legal requirement for regularity in the conduction of the contest, such as e.g. for the junior magistrate contest, which must be held at least once annually and shall be announced in January and held in April of the relevant year in accordance with Article 176 (2) JSA. Guidelines for the activity of the contest committees and the SJC Administration in the conduction of an interview with the candidates participating in contests for promotion and for transferring (the Guidelines) and Criteria for the conduction of an interview and formation of the overall grade of the professional qualities possessed by the candidates for participation in the contests for promotion and for transfer in the judicial authorities (the Criteria) are also adopted as bylaws of the SJC.

The promotion procedure starts by a notice to the SJC from the administrative heads of the vacant positions in the respective judicial authorities except vacant positions in the court, the prosecuting magistracy to be occupied by a competition for initial appointment. The announcement of the vacant positions under the procedure of Article 179 of the JSA precedes the filling up there of after a contest to be held through an interview on practical issues related to the application of the laws. The Criteria point out that the contest does not presuppose the conduction of a theoretical examination under pre-set synopses or questions prepared in advance.

The contest is conducted by contest committees determined by the SJC separately for judges and prosecutors. Ineligible to participate in the contests committees are members of the SJC and administrative managers. Furthermore, ineligible to participate in the contest committees for judges are practicing prosecutors, analogically – practicing judges may not participate in the contest committees for prosecutors and investigators.

A candidate for a vacant position must have the respective legally established length of legal service, in accordance with Article 164 of the JSA. “Legal service” with respect to the above listed position is understood to be the legal service on a position or profession requiring higher legal education:

Necessary Legal Service for Appointment to a Position	For a judge in (the respective court)
At least 3 years of legal service	Regional Court
Junior judge, who has at least two years and nine months of legal service	Regional Court
At least 8 years of legal service	District Court
At least 8 years of legal service	Administrative Court
At least 12 years of legal service	Supreme Administrative Court Supreme Court of Cassation

The contest committee conducts the contest by an interview with the candidates on practical issues related to the application of the laws. The following is taken into account when determining the result of each candidate: the interview evaluation and the results from the previously performed periodical evaluations, which serve as a basis for a general evaluation of the professional qualities possessed

by the candidate.

Competent authorities in the evaluation are the CPE (Proposals and Evaluation Committee) and the auxiliary bodies of the CPE – the auxiliary evaluation committees set up in the respective judicial authorities.

The evaluation represents an objective assessment of the professional, working and ethical qualities of the magistrates shown by them in the course of performance of the position held by them. The evaluation must guarantee equal and just opportunities for career advancement, being based on the principles of lawfulness, equality, objectivity and transparency. The evaluation criteria determine the qualification, achievements and professional suitability of the person being attested pursuant to the requirements of the specific position, to which he is appointed. They are divided into general and specific. The general ones are taken into account upon the appraisal both of judges and of prosecutors and investigators. These are:

1. Legal knowledge and skills for the implementation thereof;
2. Skill to analyse the legally relevant facts;
3. Skill for optimal work organization;
4. Expeditiousness and discipline. The specific criteria are determined in accordance with the specificity of the judge or prosecutor or investigator, i.e. depending on the specific position.

The specific criteria in the appraisal of judges are:

1. Meeting the court session schedule;
2. Skill to conduct the court session and draw up minutes.

It is important to highlight that the criteria depend on indicators 1. They represent qualitative and quantitative reference points for measurement of the qualification, achievements and professional suitability of the magistrates. The indicators serve as a basis for the formation of the word findings and the mark in figures for each of the evaluation criteria. The Guidelines for the activity of the contest committees and the SJC Administration in the conduction of an interview with the candidates are brief and mostly procedural. In this relation the committees create their own practices for conduction of the contests.

The content of the Criteria indicates that the formation of the overall mark for the professional qualities possessed should be determined on the basis of a free conversation between the candidates and the members of the contest committees on the following specific criteria prescribed for the very interview:

1. level of general legal culture;
2. professional experience and working qualities;
3. practical knowledge of the candidates in the field of substantive and procedural law;
4. ability of the candidates to deal with legal acts, to extract the necessary information from them, to make decisions and to substantiate them;
5. attitude towards the effective legislation – the candidate's point of view concerning eventual legislative amendments;
6. way of expression;
7. results from the previously conducted periodical appraisals of the candidates.

As evident from the amendments to the JSA of Jan. 4, 2011, the SJC elects out of its members also a Professional Ethics and Prevention of Corruption Committee, the purpose of which is to make surveys, to collect the necessary (the law does not indicate and does not distinguish what information is considered necessary and what not) information and to draft opinions on the moral qualities possessed by the candidates in the competitions for a position in the judicial authorities. The contest committee drafts minutes for the ranking of the candidates together with a motivated opinion and sends afterwards the results from the ranking together with the entire competition documentation and a record (shorthand record) from the interview conducted by the SJC, where the Professional Ethics and Prevention of Corruption Committee makes an evaluation of the moral qualities possessed by the first three candidates for every position and drafts an opinion on each candidate on the grounds of the documents submitted by him and the documents contained in the staff file, in respect of the results from the inspections of the Inspection Service at the Supreme Judicial Council, the incentives and sanctions, reports for a violation of the rules of professional ethics of judges, prosecutors and investigators.

Every member of the committee evaluates the candidate's qualities in accordance with the six-grade system rounded to 0,25, as he writes down his marks in an individual protocol. When several candidates for a single position have the same mark, the one holding the higher position as of the moment of ranking shall prevail in the ranking. When the candidates hold the same position as well, the candidate with a higher overall mark from the state certification examinations shall prevail. Many consider this indicator irrelevant since in view of the big time distance between the two events, the marks from the state certification examinations cannot be considered providing up-to-date information.

The results from the ranking of the candidates, together with all the contest documentation and with the opinion of the Professional Ethics and Prevention of Corruption Committee are to be submitted to the CPE. CPE moves to the SJC a reasoned proposal for promotion or transfer of the candidates ranked first for the positions in the relevant judicial authorities.

There are certain good practices that can be reported such as the recommendation of the CAP in the Guidelines to the committees to take into account during the interview the legal sphere, on which the candidate works as of the moment of conduction of the interview and the decisions of certain contest committees to review rendered acts and cases, since it provides the most comprehensive possible picture of the relevant magistrate's work

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Allocation of cases in courts 3000 character(s) maximum

The allocation of cases is carried out on the principle of random selection by electronic distribution according to the sequence of their receipt by subject matter and types of cases, and according to the procedural deadlines, requiring immediate ruling.

In accordance with the requirements of the law every court in Bulgaria uses the Centralized system for distribution of cases and documentation of the choice made, developed by the Administration of the Supreme Judicial Council.

The software product allows checking the distribution of each case at random with the participation

of all judges from the respective division and group, reasons for exclusion of the previous judge and for redistribution of the case, as well as reasons for manual selection or on duty.

The administrative head - chairman of the court, the deputy - the administrative heads - deputy chairmen of the court, who perform the activity on the distribution of the cases and the system administrator when making corrections of technical character, have access to the software product. In the absence of the administrative heads, the activity of distribution of cases is performed by a judge who has QES and is appointed by the chairman of the court or the respective deputy chairman by a special order.

The distribution of the received cases is done on the same or the next day, and each judge can be present at the procedure for appointing a judge-rapporteur.

The system automatically sorts the possible groups in the list according to the selected case code. This regime is also used in the redistribution of an already initiated case. If necessary, a judge may be expelled for the following reasons by unchecking the "Included" column and stating the reason for the exclusion.

This regime is related to the need for efficiency, speed, compliance with the requirements of the procedural law for hearing the case in a shorter time or on the day of its receipt, as well as the requirements of the Rules for the administration of the courts.

Independence (including composition and nomination of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary) Constitutional guarantee for the implementation of the key principle of objective independence of the judiciary is embedded in the structure of the body that makes the decisions on the selection, career and organization of the work of the judiciary. This body is independent of the executive branch. To assert its independence from political power, in the Constitution of the Republic of Bulgaria (Art. 130) and in the Judiciary System Act (Art. 16, para. 2 - para. 4) are outlined the structure, conditions and procedure for election of its members. Its composition the structure of the Judiciary System Act, as well as the ratio in the election of its members from the magistrate's and parliament's quota aim to provide the largest degree of independence in decision - making, according to the specifics of the activities of judges, prosecutors and investigators.

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

Jurists of high professional standing and moral integrity who have practised law for at least 15 years shall be elected members of the Supreme Judicial Council.

In accordance with Article 18 of Judiciary System Act an elective member of the Supreme Judicial Council may not:

1. be a National Representative, a mayor or municipal councillor;
2. hold a position at other State or municipal authorities;

3. carry on business or be a partner, manager or member of supervisory, management boards or boards of directors or on control bodies of commercial corporations, cooperatives or non-profit legal entities that carry on business, with the exception of those of professional associations of judges, prosecutors and investigating magistrates;
4. be remunerated for business performed under a contract or while in a civil service relationship with a state or public organisation, a commercial company, cooperative, non-profit legal entity, a natural person or sole trader, with the exception of research and teaching or the exercise of copyright, as well as for participation in international projects, including ones funded by the European Union;
5. practise a liberal profession or another remunerative professional activity;
6. be a member of political parties or coalitions, of organisations pursuing political purposes, carry out political activity, as well as be a member of any organisations or carry out any activities interfering with his or her independence;
7. be a member of trade union organisations outside the Judiciary system;
8. has been convicted for a serious criminal offence, notwithstanding any subsequent rehabilitation, or has been released from criminal responsibility for an intentional offence;
9. be a spouse, a lineal relative, a collateral relative up to the fourth degree of consanguinity, or an affine up to the third degree of affinity inclusive, or a de facto cohabitant with another member of the Supreme Judicial Council, with an administrative head of a judicial authority, appointed by the respective college he/she is a member of or with the Minister of Justice;
10. be an elective member of the Supreme Judicial Council who has been released from office on disciplinary grounds;
11. be a person in respect of whom a conflict of interest has been ascertained by an enforceable decision less than one year prior to the election.

An elective member shall be released by the Supreme Judicial Council where the said member fails to vacate office or to discontinue the activity under the above within one month from the election. The Supreme Judicial Council shall implement the powers thereof through a Plenum, a Judges Chamber and a Prosecutors Chamber. The chambers at the Supreme Judicial Council shall open, keep and hold a personnel file on each judge, prosecutor and investigating magistrate.

3000 character(s) maximum

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal liability of judges 3000 character(s) maximum A disciplinary sanction shall be imposed on a judge, prosecutor and investigating magistrate, on a member of the Supreme Judicial Council, on the administrative courts of the court, the prosecuting magistracy and the investigating magistracy and the deputies thereof for the commission of a breach of discipline. A breach of discipline shall be a culpable failure to discharge official duties, as well as damaging the prestige of the Judiciary; The following shall constitute breaches of discipline:

1. any systematic failure to keep the deadlines provided for in the procedural laws;

2. any act or omission that unjustifiably delays the proceedings;
3. any act or omission, including a breach of the Code of Ethical Behaviour of Bulgarian Magistrates, which damages the prestige of the Judiciary;
4. any failure to discharge other official duties

Disciplinary liability shall be enforced notwithstanding civil, administrative penalty liability and criminal responsibility, should any such liability or responsibility be provided for.

The gravity of the breach, the form of culpability, the circumstances surrounding the commission of the breach and the behaviour of the offender shall be taken into consideration when determining the disciplinary sanction.

A disciplinary sanction shall be considered imposed as from the day of communication to the person sanctioned of the decision of the Plenum or of the decision of the respective chamber of the Supreme Judicial Council or as from the day of service of the order of the administrative head.

A disciplinary sanction, with the exception of release from office, shall be stricken one year after being suffered.

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Remuneration/bonuses for judges and prosecutors 3000 character(s) maximum Judicial salaries are generally sufficient to attract and retain qualified judges, enabling them to support their families and live in a reasonably secure environment, without having to have recourse to other sources of income.

Judicial salaries remain better than other in other public sectors. Although judicial salaries in Bulgaria fall behind the levels of those of the European judges', as well as of some practicing attorneys-at-law, this is so far not considered a demotivating factor for good lawyers to enter and stay in court service. It is necessary to guarantee that the judicial income policy would be based on solid long-term strategy for attraction and retention of good personnel and corruption prevention.

It is the responsibility of the Supreme Judicial Council (SJC) to fix the remuneration of the judges and prosecutors in accordance with Article 30, (2). 10. The chairpersons of the Supreme Court of Cassation and of the Supreme Administrative Court, the Prosecutor General and the Director of the National Investigation Service shall draw a basic monthly remuneration equal to 90 per cent of the remuneration of the Chairperson of the Constitutional Court. The basic monthly remuneration for the lowest judicial, prosecutorial or investigating magisterial position shall be set at the double amount of the average monthly salary of employees in the public-financed sphere according to data of the National Institute of Statistics. The remunerations for the rest of the positions in the judicial authorities shall be set by the Plenum of the Supreme Judicial Council. Judges, prosecutors and investigating magistrates shall be paid supplementary remuneration for continuous work as a judge, prosecutor and an investigating magistrate in the amount of 2 per cent of the basic monthly remuneration for each year of length of service, but not more than 40 per cent. Supplementary remuneration for overtime shall be paid to a judge, prosecutor and investigating magistrate only for the discharge of official duties on holidays and non-working days.

Judicial salaries are a key guarantee for the attraction, retention and motivation for court

work of the best possible lawyers. At the same time, it is a very important element of the corruption prevention.

The following additional remuneration may be obtained from the judiciary:

1. for achieved results - current, for the year;
2. results achieved on specific tasks;
3. based on the workload of the relevant judicial authority.

For judges in the Appellate Specialized Criminal Court, for the Specialized Criminal Court, for examination in the Appellate Specialized Prosecutor's Office, for the Specialized Prosecutor's Office and for investigators in the Investigation Department of the Specialized Defense Inspection, mandatory inclusion in an amount determined by the rules of the relevant SJC Rules for individual assessment of people at work but no more than six basic monthly salaries a year.

For the judicial officers in the specialized criminal court of appeal, in the specialized criminal court, in the specialized prosecutor's office, in the specialized prosecutor's office and the investigation department of the specialized prosecutor's office, the additional remuneration is determined in accordance with the rules for individual evaluation of the results of the activity approved by the respective SJC Board, but no more than six basic monthly earnings.

No additional remuneration shall be paid to a magistrate and a judicial officer in the cases of:

1. a sentence has been enforced which imposes a sentence of imprisonment for a deliberate crime;
2. a decision on disciplinary sanction has entered into force;
3. filing of a resignation by a magistrate or a request for dismissal from a judicial officer, in case of disciplinary proceedings initiated against them, with a proposal for imposing a punishment "disciplinary dismissal from office";
4. to prosecute a magistrate or a court officer for criminal intent of committing an intentional crime of general nature until the completion of the criminal proceedings;
5. received by the magistrate at his last assessment a positive complex assessment 'satisfactory' or a complex evaluation 'negative';
6. a satisfactory or poor assessment received by the court clerk at his last annual assessment;
7. in pending disciplinary proceedings - until the completion of the proceedings.

Following the deletion of the disciplinary sanction of a magistrate or judicial officer within a calendar year, the latter may be awarded additional remuneration, at the discretion of the administrative officer and after considering his individual contribution to the activity of the respective judicial authority.

Funds for additional remuneration, as well as social security, health insurance and compulsory pension insurance, are calculated and paid within the budget approved for the specific year by the relevant judicial authority.

Independence/autonomy of the prosecution service 3000 character(s) maximum

The independence of the bodies entrusted with criminal proceedings is provided in accordance with 117 of The Constitution of the Republic of Bulgaria and Article 10 of the Criminal Procedure Code. In the discharge of their functions judges, court assessors, prosecutors and investigative bodies shall

be independent and shall only obey the law. There shall be a unitary prosecuting magistracy of the Republic of Bulgaria, which shall be structured in accordance with the structure of the courts. The prosecuting magistracy shall consist of a Prosecutor General, a Supreme Cassation Prosecution Office, a Supreme Administrative Prosecution Office, a National Investigation Service, appellate prosecution offices, an appellate specialised prosecution office, a military appellate prosecution office, regional prosecution offices, a specialised prosecution office, military regional prosecution offices and district prosecution offices. There shall be investigation departments within the regional prosecution offices and the specialised prosecution office.

The new introduced principles are leadership and work, which aim at raising the public trust at the Prosecutor's Office, whose activity is to be transparent and efficient. As a part of the independent judiciary, it plays a defining role in the system of criminal justice and acts as a guarantor of the fundamental constitutional rights of the citizens.

Prosecutors contribute to ensuring that the rule of law is guaranteed. They guarantee the fair, impartial and efficient administration of justice in all cases and degrees of proceedings within their competence. They also act on behalf of civil society and in the public interest with the aim of respecting and protecting human rights and freedoms, as they are provided for, in particular, in the Convention for the Protection of Human Rights and Fundamental Freedoms and in the jurisprudence of the European Court of Human Rights

Independence of the Bar (chamber/association of lawyers) and of lawyers 3000 character(s) maximum

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary 3000 character(s) maximum

First significant development is to strength the ethical regulation, including in particular the following specific tasks - development and discussion of separate rules for professional ethics for judges and prosecutors and investigators with increased involvement of the respective professional communities. The systematic policy for prevention of corruption in the judiciary is also needed because of:

Integrated policy to prevent conflicts of interest and corruption within the judiciary and rethinking the current legal framework. Electronic registers for declaring an extended range of circumstances, including actual cohabitation, membership in organizations with non-public nature, etc.

Introduction of mechanisms for effective application of the rules of the judiciary ethics by judges, prosecutors and investigators and by the Supreme Judicial Council

Creation of guarantees for security and transparency of the process under distribution of cases at random and by determining the personal composition of the individual court panels.

Preparation of annual reports by the Supreme Judicial Council on the availability of data on corruption and assessment of the effectiveness of the measures to combat it and their public discussion

Also, an important aspect is the development of "e-Justice". The system provides equal and as close as possible to the citizens and the business access on electronic path to e-justice and e-government and making it a favorite in front of the traditional one, using paper documents.

The last one is about strengthening the transparency of the judiciary and the dialogue with citizens, which includes in particular the following specific tasks:

Annual report on the transparency of the judiciary.

Introduction of models for active dialogue between the judiciary and different communities.

Publishing online the acts of the judiciary in a single format allowing data processing

Quality of justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under "type of information".)

Accessibility of courts (e.g. court fees, legal aid, language) 3000 character(s) maximum Every citizen of the Republic of Bulgaria has a guaranteed right of access to court and equality before the law. This has not changed significantly in the last year. Fees for access to court proceedings are the same as they were in 2020. The conditions under which a citizen can refer a case to a judicial body have not changed. A positive step towards improving the quality of access to justice for citizens was made with the introduction of the possibility of obtaining electronic criminal records, as well as the work of the authorities on the establishment of the Single Portal for e-Justice.

Resources of the judiciary (human/financial/material)

Material resources refer e.g. to court buildings and other facilities.

3000 character(s) maximum

Training of justice professionals (including judges, prosecutors, lawyers, court staff) 3000 character(s) maximum

Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)

(Factual information presented in Commission Staff Working Document of 2 December 2020, SWD(2020) 540 final, does not need to be repeated)

3000 character(s) maximum

Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

3000 character(s) maximum Last year, the SJC Plenum decided and took steps to implement the Unified Court Information System (UISC), which allows for centralized and fully electronic case management. The program has various modules that separately monitor the workload of magistrates and the distribution of cases. Shortly after the actual implementation of the EESC in the courts, some purely political controversies and struggles began to discredit it. However, the developer company, together with the members of the SJC, managed to overcome both the political attacks and the need to upgrade some specifications in the new system, and it is expected that by the summer of 2021 it will work properly in all courts in the country.

Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialization 3000 character(s) maximum

Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under "type of information".)

Length of proceedings 3000 character(s) maximum The length of court proceedings in Bulgaria varies according to the factual and legal complexity of the cases. Cases in Bulgaria are closed much faster, compared to previous years, and it is noteworthy that the Inspectorate in charge of the Supreme Judicial Council is less and less likely to report cases of excessive delay in investigations and court proceedings.

Other - please specify 3000 character(s) maximum

In this section we believe that it is inevitable to emphasize the effectiveness and activity of the Bulgarian prosecutor's office in the fight against the so-called "conventional crime" - there is a decline in criminal incidents - robberies, thefts, murders and more. After the large-scale actions in our country, the prosecutor's office reports a drastic decrease in telephone fraud for the last year. Since the beginning of 2021, only one telephone fraud has been registered. As a result of effective coordination between the institutions, significant results have been achieved, namely a decrease in registered telephone fraud by about 80%. Weekly actions are carried out to counteract robberies and attacks on elderly and single people in the villages and smaller settlements, and in this context the interaction between the prosecutor's office and the Ministry of Interior is at an extremely high level.

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Anti-Corruption Framework - Bulgaria

The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

the fight against corruption, some Bulgarian institutions have been subjected to unprecedented political attacks in the last year. A series of media, political and even institutional attacks have been activated against the independence of the judiciary, mainly against the prosecution, for its work in combating high-level corruption. An example of this was the opposition of the President of Bulgaria Rumen Radev, who in order to win political dividends for the next term provoked protests in the center of Sofia, attacking prosecutors and investigators, calling them "mutri" in front of the whole society, without presenting any evidence. The prosecutor's office later revealed that defendants, including fugitive from Bulgarian justice Vasil Bozhkov, were stimulating protests against the prosecutor's office and state institutions. The latter was unequivocally evidenced by intercepted conversations between the accused Bozhkov, who fled to Dubai shortly after learning that serious criminal charges were being prepared against him, and some of the protesters who heard him order "the Prosecutor General to be crushed" and to be turned into a "figurehead" through the protests. A wave of threats from non-parliamentary politicians ensued that if they came to power, they would dismiss the state prosecution, close the investigation and remove the two structures from the

judiciary. Again, in connection with the attempts of some non-parliamentary forces to oppose the activity of the Bulgarian Prosecutor's Office in the fight against crime, amendments to the Criminal Procedure Code (CPC) and the Judiciary Act (JSA) were adopted as a matter of urgency. . an "independent" prosecutor to investigate the Attorney General and his deputies. Despite the negative opinions of lawyers from all guilds in Bulgaria regarding the cited changes, as well as after the veto imposed by the President on them, the National Assembly finally accepted the creation of such a figure, which is unparalleled in EU countries.

Prevention

Integrity framework including incompatibility rules (e.g.: revolving doors) 3000 character(s) maximum
Despite the huge political pressure, the Bulgarian prosecutor's office in 2020 conducted a series of investigations against representatives of various authorities, as well as against organized criminal groups related to crimes against the environment, trafficking in influence, corruption and tax crimes. Among those accused of trading in influence was the president's secretary for legal affairs and anti-corruption and Plamen Uzunov. He was accused that despite his high position, as well as in the period when he was acting Minister of Interior, he used his official position to support the personal business interests of the Bulgarian businessman Plamen Bobokov, including providing him with as yet unsigned court decisions, as well as inside information from the institutions. Plamen Bobokov, along with his brother Atanas Bobokov, as well as former Deputy Minister of Ecology Krassimir Zhivkov, have been indicted in the last year for illegal import and storage of extremely hazardous waste in Bulgaria, for which they did not have a permit. On September 29 last year the state prosecution announced that 16,756 tons of waste, including 7,756 tons of hazardous waste, were found during inspections carried out in connection with the initiated pre-trial proceedings. Garbage was found in the lands of settlements in four districts. Plamen Bobokov was also accused of illegal possession of archeological sites.

General transparency of public decision-making (including public access to information such as lobbying, asset disclosure rules and transparency of political party financing)

3000 character(s) maximum

Rules on preventing conflict of interests in the public sector. 3000 character(s) maximum
The rules for preventing conflicts of interest are contained in the Anti-Corruption and Confiscation of Illegally Acquired Property Act, applied mainly by the specialized body Commission for Combating Corruption and Confiscation of Illegally Acquired Property. The law, as well as the rules for the activity of the Commission, describe in detail and exhaustively its powers to establish a conflict of interest, and in the last year it was established by a number of mayors, municipal councilors and local authorities. The widespread practice of monitoring the decisions of KPKONPI to establish a conflict of interest shows that almost all of its decisions have been confirmed by the Bulgarian court.

Measures in place to ensure whistleblower protection and encourage reporting of corruption 3000 character(s) maximum
Anonymous signals of corruption can be submitted to the Ministry of Interior

regarding actions by employees of the Ministry of Interior. The Anti-Corruption and Confiscation of Illegally Acquired Property Act still does not allow for anonymous alerts, which in fact greatly contributes to the veracity of the alerts and blocks the possibility of abuse and self-mutilation by opponents.

List the sectors with high-risks of corruption in your Member State and list the relevant measures taken /envisaged for preventing corruption and conflict of interest in these sectors. (e.g. public procurement, healthcare, other).

3000 character(s) maximum The initiated investigations and pre-trial proceedings of the prosecutor's office show that most often corrupt practices are found in operatives of the Ministry of Interior, customs officers at border checkpoints and civil servants in the lower levels of the hierarchy of the state structure. In this regard, a series of actions were carried out and police officers were detained in the Ruse region, in Varna. A customs officer from Varna was also convicted of heroin trafficking for over BGN 32 million, and other colleagues from the Kapitan Andreevo and Kalotina border checkpoints were also detained for corrupt practices. Last year, a prosecutor from the Yambol District Prosecutor's Office was also accused of abuse of office.

Measures taken to address corruption risks in the context of the COVID-19 pandemic 3000 character(s) maximum

Any other relevant measures to prevent corruption in public and private sector. 3000 character(s) maximum Last year, a new bill was submitted to the National Assembly to amend the Anti-Corruption and Confiscation of Illegally Acquired Property Act, which aims at additional prevention in the fight against corruption, and was proposed to the Anti-Corruption and Anti-Corruption Commission. confiscation of illegally acquired property to be given the opportunity to seek and agree on the presence and absence of corruption risk not only in the bills of the Council of Ministers, but also of each Member of Parliament. The proposed amendment puts on an equal footing the subjects entitled to legislative initiative. It is in favor of transparency in the work of the National Assembly and will contribute to improving the quality of the legislative process.

Repressive measures

Criminalisation of corruption and related offences 3000 character(s) maximum The application of criminal repression for corrupt practices, provided as crimes in the special part of the Criminal code, is reduced to the implementation of substantive penalties legal relationship. In order for an act to be criminal, it is necessary, on the one hand, to comply with the general concept of crime, i.e. be a socially dangerous act (action or inaction), which was committed culpably and declared punishable by law, and on the other – to commits all signs of a certain type of crime among those regulated in the Penal Code. Under the current Criminal Code, the most common corruption crimes in the public sector are the following:

The intentional mismanagement – Art. 219 of The Criminal Code (Section 1 General Economic Crimes of Chapter 6 Crimes against the economy)

Conclusion of a disadvantageous transaction - Art. 220 of The Criminal Code (Section 1 General Economic Crimes of Chapter 6 Crimes against the economy)

Economic Bribery – Art.224 of The Criminal Code (Section 1 General Economic Crimes of Chapter 6 Crimes against the economy)

General Malfeasances- Art. 282 of The Criminal Code (Section II Malfeasances of Chapter 8 Crimes against activities of state bodies and public organization and persons performing public functions)

Refusal or delay of special permit for pursuing certain activities – Art. 282a of The Criminal Code (Section II Malfeasances of Chapter 8 Crimes against activities of state bodies and public organization and persons performing public functions)

Malfeasance with official position - Art. 283 of The Criminal Code (Section II Malfeasances of Chapter 8 Crimes against activities of state bodies and public organization and persons performing public functions)

Admission of malfeasances - Art. 285 of The Criminal Code (Section II Malfeasances of Chapter 8 Crimes against activities of state bodies and public organization and persons performing public functions)

Evasion of criminal prosecution - Art. 288 of The Criminal Code (Section III Crimes Against Justice of Chapter 8 Crimes against activities of state bodies and public organization and persons performing public functions)

Bribery - Art. 301-302a of The Criminal Code (Section IV Bribery of Chapter 8 Crimes against activities of state bodies and public organization and persons performing public functions)

Bribery – Art. 304-304a of The Criminal Code (Section IV Bribery of Chapter 8 Crimes against activities of state bodies and public organization and persons performing public functions)

To exert influence - Art. 304b of The Criminal Code (Section IV Bribery of Chapter 8 Crimes against activities of state bodies and public organization and persons performing public functions)

Mediation for bribery - Art. 305a of The Criminal Code (Section IV Bribery of Chapter 8 Crimes against activities of state bodies and public organization and persons performing public functions)

Provocation to bribery- Art. 307 of The Criminal Code (Section IV Bribery of Chapter 8 Crimes against activities of state bodies and public organization and persons performing public functions)

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Data on investigation and application of sanctions for corruption offences (including for legal persons and high level and complex corruption cases) and their transparency, including as regards the implementation of EU funds

3000 character(s) maximum The intentional mismanagement – Art. 219 of The Criminal Code (Section 1 General Economic Crimes of Chapter 6 Crimes against the economy)

In accordance with Art. 219 of the Criminal Code: An official who fails to devote sufficient care to the guidance, control, management, keeping or preservation of the property entrusted to him, or to the job assigned to him, and where as result thereof considerable damages, or destruction or scattering of property or other considerable losses have followed for the enterprise or the economy, shall be punished by deprivation of liberty for up to six years and a fine from up to BGN 5,000.

A person who, despite his obligations, has not exercised sufficient control over the work of persons entrusted with the management, disposal of or accounting for public property, and as result thereof considerable damages have occurred for the enterprise or the economy, shall be punished by imprisonment for up to six years and a fine from up to BGN 5,000.

Where the act under the preceding paragraphs has been committed deliberately and does not contain the elements of a graver crime, the punishment shall be imprisonment from two to eight years

Conclusion of a disadvantageous transaction - Art. 220 of The Criminal Code (Section 1 General Economic Crimes of Chapter 6 Crimes against the economy)

An official who consciously concludes a disadvantageous transaction and therefrom considerable damages ensue for the economy or for the institution, enterprise or organisation which he represents, shall be punished by imprisonment from one to six years.

In particularly grave cases under the preceding paragraph, the punishment shall be imprisonment from three to ten years.

Economic Bribery – Art.224 of The Criminal Code (Section 1 General Economic Crimes of Chapter 6 Crimes against the economy)

A person who receives a gift or other material benefit in order to give, or because he has given, to a foreign country, foreign organisation or company, or to a foreign citizen, information from which considerable damage has ensued or may ensue for the economy, shall be punished by imprisonment for up to five years and by a fine of from BGN one hundred to three hundred, if his act does not constitute a graver crime.

The same punishment shall be imposed also on a person who has given the gift or the material benefit.

The object of the crime shall be confiscated in favour of the state.

General Malfeasances- Art. 282 of The Criminal Code (Section II Malfeasances of Chapter 8 Crimes against activities of state bodies and public organization and persons performing public functions)

An official who violates or fails to fulfil his official duties, or exceeds his powers or rights for the purpose of acquiring a benefit for himself or for another, or to cause damage to another, from which significant harmful consequences may set in, shall be punished by imprisonment for up to five years. If from the act major harmful consequences have set in, or the act has been committed by a person occupying a responsible official position, the punishment shall be imprisonment from one to eight years.

For particularly grave cases under the preceding paragraph the punishment shall be imprisonment from three to ten years.

Where the act under the preceding paragraphs is connected with exercising control over the production, processing, storage, trading inside the country, import, export, transit and reporting of drugs and precursors, the punishment shall be imprisonment for up to ten years under paragraph (1) and for three to fifteen years under paragraph (2).

Refusal or delay of special permit for pursuing certain activities – Art. 282a of The Criminal Code (Section II Malfeasances of Chapter 8 Crimes against activities of state bodies and public organization and persons performing public functions)

A person who, notwithstanding the availability of conditions stipulated in a normative act as necessary for issue of special permit for pursuing certain activities, refuses or delays such issue beyond the terms provided by law therefor, shall be punished by imprisonment for up to three years, a fine to the amount from BGN five hundred and deprivation of rights under Article 37, paragraph (1), item 7 (deprivation of the right to exercise a certain vocation or activity).

Malfeasance with official position - Art. 283 of The Criminal Code (Section II Malfeasances of Chapter 8 Crimes against activities of state bodies and public organization and persons performing public functions)

An official who uses his official position to acquire unlawful benefit for himself or for another, shall be punished by imprisonment for up to three years.

Admission of malfeasances - Art. 285 of The Criminal Code (Section II Malfeasances of Chapter 8 Crimes against activities of state bodies and public organization and persons performing public functions)

An official who consciously allows a person subordinated to him to commit a crime, related to his office or work, shall be punished by the punishment provided for the committed crime.

Evasion of criminal prosecution - Art. 288 of The Criminal Code (Section III Crimes Against Justice of Chapter 8 Crimes against activities of state bodies and public organization and persons performing public functions)

Bodies of state authority who fail to fulfil in due time the obligations imposed thereon by their respective office in connection with criminal prosecution, or who in some other way frustrate such proceedings for the purpose of ridding another of punishment which is due by law, shall be punished by imprisonment for one to six years and by deprivation of the right under Article 37 (1), subparagraph 6 (deprivation of the right to hold a certain state or public office).

Bribery - Art. 301-302a of The Criminal Code (Section IV Bribery of Chapter 8 Crimes against activities of state bodies and public organization and persons performing public functions)

An official who demands or accepts a gift or any other undue benefit, or accepts a proposal or a promise for a gift or benefit, in order to perform or to fail to perform an act connected with his service, or because he has performed or failed to perform such an act, shall be punished for bribery by imprisonment for up to six years and a fine of up to BGN 5,000.

If the official has committed any of the acts under Paragraph 1 in order to violate, or for having violated his service, where this violation does not constitute a crime, the punishment shall be imprisonment of up to 8 to eight years and a fine of up to BGN 10,000.

If the official has committed any of the acts under paragraph 1 in order to perform or because of having performed another crime in connection with his service, the punishment shall be imprisonment of up to ten years and a fine of up to BGN 15,000.

For bribery in particularly large amounts, representing a particularly grave case, the punishment shall be imprisonment from ten to thirty years, fine of up to BGN thirty thousand, confiscation of the whole or part of the culprit's property and deprivation of rights under Article 37 (1), sub-paragraphs 6 and 7 (deprivation of the right to hold a certain state or public office and deprivation of the right to exercise a certain vocation or activity.)

Bribery – Art. 304-304a of The Criminal Code (Section IV Bribery of Chapter 8 Crimes against activities of state bodies and public organization and persons performing public functions)

A person who offers, promises, or gives a gift or any other material benefit to an official in order to perform or not to perform an act within the framework of his service, or because he has performed or has not performed such an act, shall be punished by imprisonment for a term of up to six years and a fine from up to BGN five thousand.

If in connection with such bribe the official has violated his official duties, the punishment shall be imprisonment for a term of up to eight years and a fine from up to BGN seven thousand, where this violation does not constitute a graver punishable crime.

A person who proposes, promises or gives a bribe to an official in a responsible position, including that of a judge, assessor, prosecutor, or investigator, or of a police body or of an investigating police officer, shall be punished by imprisonment for a term of up to ten years and a fine from up to BGN fifteen thousand.

To exert influence - Art. 304b of The Criminal Code (Section IV Bribery of Chapter 8 Crimes against activities of state bodies and public organization and persons performing public functions)

Anyone who requests or accepts a gift, or any undue benefit, or accepts a proposal or promise for a gift or benefit, in order to exert influence over an official or a foreign official in decision-making in relation to his/her service, shall be punished by imprisonment of up to six years and a fine from up to BGN five thousand.

Anyone who proposes, promises, or gives a gift or any undue benefit to a person alleging he/she might exert the influence under Paragraph 1, shall be punished by imprisonment of up to three years and a fine of up to BGN three thousand.

Mediation for bribery - Art. 305a of The Criminal Code (Section IV Bribery of Chapter 8 Crimes against activities of state bodies and public organization and persons performing public functions)

A person who mediates for any of the acts under the preceding articles, if the perpetrated act does not represent a graver crime, shall be punished by imprisonment for up to three years and a fine of up to BGN five thousand.

Provocation to bribery- Art. 307 of The Criminal Code (Section IV Bribery of Chapter 8 Crimes against activities of state bodies and public organization and persons performing public functions)

A person who with premeditation creates a situation or conditions conducive to the offering, giving or receiving of a bribe for the purpose of causing harm to a person who gives or receives the bribe, shall be punished for provocation to give or take bribe by imprisonment for up to three years.

Potential obstacles to investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation).

3000 character(s) maximum A National Representative may not be detained, and criminal prosecution may not be undertaken thereagainst, save for publicly prosecutable offences, and then solely on authorization from the National Assembly or, where the latter is not sitting, from the Chairperson of the National Assembly. No authorization for detention shall be required where a National Representative is detained in the act of committing a serious criminal offence, but in such a case the National Assembly or, should the latter be not sitting, the Chairperson of the National Assembly, shall forthwith be notified.

The President and the Vice President may not be detained, and criminal prosecution may not be undertaken against them.

When the person, who is an object of investigation and he is politically engaged, the judicial process is politicized. In cases of high public interest, it is present from the beginning and leads to intensive media and public search for official and unofficial information about the investigation and preliminary public discussion of different versions of the final result of the case, as well as the ongoing investigative actions.

Significant information is reported in the media - with the active assistance of themselves institutions and the parties to the case, which in practice makes the investigation public. The main problems stem from the lack of a public standard of what information of the investigation is an object of public interest.

Increased public and media attention is also associated with clear public expectations for fast, instead of quality justice. Weaknesses in the investigation can be summarized as ineffective and divergent practices in gathering evidence in the case of incorrect identification of evidence. the subject of proof, errors in the legal qualification and ignorance of the court practice in the matter, leading to chaotic accusatory strategies, lengthy investigation and weaknesses of the accusatory thesis in the judicial phase. Hastily rise and support accusations that are not sufficiently secured and substantiated in case of insufficient preparation of the indictment for the trial phase, underestimation of the defense strategies, relatively strict adherence to the version that it has already been made public.

Other - please specify 3000 character(s) maximum

Media Pluralism - Bulgaria

Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Independence, enforcement powers and adequacy of resources of media regulatory authorities and bodies 3000 character(s) maximum At the end of December, the amendments to the Radio and Television Act (RTA) came into force, which adapted the new texts of the European Directive on Audiovisual Media Services to Bulgarian legislation. Until now, the regulatory body CEM controlled only the electronic media - radio and television, and their obligations for quality and responsibility for the content are set out in the RTA. The law now includes online media and social networks, which have original video content. Thus, the national regulatory body of the media in Bulgaria will now monitor online content for dangerous content for children, hate speech, racism and xenophobia, calls for violence, escalation of ethnic tensions and sexism.

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies 3000 character(s) maximum

Existence and functions of media councils or other self-regulatory bodies 3000 character(s)

maximum According to the Radio and Television Act, the media regulator consists of five members, three of whom are elected by the National Assembly and two are appointed by the President for a term of 6 years. Until now, the practice has been for members with expired terms to remain on the board until the next member. The term of office of a member of the Electronic Media Council shall be terminated early upon dismissal or death. The dismissal of a member of the Electronic Media Council shall be carried out by a decision of the Electronic Media Council: upon receipt of a written application submitted to the Chairman of the Electronic Media Council by the person resigning; in case of permanent factual inability to perform his / her duties for more than six months; upon establishing incompatibility with the requirements of the law; upon entry into force of a sentence imposing a sentence of "imprisonment" for an intentional crime; upon entry into force of an act establishing a conflict of interest under the Prevention and Establishment of Conflict of Interest Act. The public radio and television are the Bulgarian National Radio and the Bulgarian National Television, which in the sense of the law are legal entities based in Sofia, whose general directors are first-rate budget managers. The Directors General of the Bulgarian National Radio and the Bulgarian National Television and the members of the Management Boards carry out their activities on the basis of contracts assigned to them. The Management Boards of BNR and BNT consist of five members each, approved by the Electronic Media Council on the proposal of the respective Directors General. The mandate of the management boards of BNR and BNT is 3 years. A person may be elected to the Management Board of the Bulgarian National Radio or to the Management Board of the Bulgarian National Television for a maximum of two terms. A person may not be a member of the management boards of BNR and BNT at the same time, as well as be a member of one of them and of the Electronic Media Council. The term of office of a member of the Management Board shall be terminated ahead of time by the Electronic Media Council on the proposal of the respective Director General on the grounds for early termination of the term of office of a member of the Electronic Media Council.

Transparency of media ownership and government interference

The transparent allocation of state advertising (including any rules regulating the matter); other safeguards against state / political interference 3000 character(s) maximum

The responsibility that every advertiser has in modern society presupposes that he himself takes care that the advertising of his products and services is responsible - both to competitors in the market and to the individual consumer and to society as a whole. This is most effectively achieved through self-regulation: the voluntary application by the advertising industry of widely recognized ethical rules. The media publish the conditions for advertisers publicly or explicitly indicate on their website or on a page of their newspaper / magazine a responsible contact person to whom advertisers can contact. The tariffs of the different media are practically similar according to the type of media, and the choice of the advertisers is a personal responsibility.

Rules governing transparency of media ownership and public availability of media ownership information 3000 character(s) maximum

Guarantees for the transparency of media ownership are contained in the Law on Mandatory Deposit of Printed and Other Works, updated in 2018. Following the adopted legal changes, media service providers submit a declaration indicating their actual owners by June 30 each year. The information is also submitted to the Registry Agency and must be announced in the Commercial Register. The fines provided for in the law for failure to submit or erroneous declaration, during which the full transparency of media ownership is largely guaranteed, are from BGN 10,000 to BGN 15,000 for the first violation and from BGN 20,000 to 30,000 for the second violation.

Framework for journalists' protection

Rules and practices guaranteeing journalist's independence and safety 3000 character(s) maximum

In Bulgaria, the protection of consumers in the media environment is ensured by a number of laws, international acts, including the Basic Law of Bulgaria: Constitution of the Republic of Bulgaria, Law on Access to Public Information, Law on Copyright and Related Rights, Law on Telecommunications, the Law on Protection of Competition, the Law on Consumer Protection and Trade Rules, the Law on Radio and Television, the Law on Electronic Communications, the Law on Health, the Convention for the Protection of Human Rights and Fundamental Freedoms, the International Civil Pact and political rights, etc. The Bulgarian Constitution guarantees the rights of every citizen to seek, receive and disseminate information. In order to ensure the right of citizens to reliable information, the press and other mass media must be free and not subject to censorship. The self-regulation of a large part of the media, which is a practice in Bulgaria, should not replace the law, but be its ethical continuation. The most characteristic feature of self-regulation is that the state does not interfere in setting the media rules, but transfers this activity entirely to the hands of the professional communities. On the territory of Bulgaria there are several professional organizations that work to defend the independence of the media. These are the Union of Bulgarian Journalists, the Association of European Journalists, the Bulgarian Association of Sports Journalists, the Union of Bulgarian Journalists and others.

Law enforcement capacity to ensure journalists' safety and to investigate attacks on journalists

3000 character(s) maximum

In 2020, the Bulgarian Prosecutor's Office conducted several investigations against perpetrators of attacks on media representatives. The perpetrators of a brutal beating of a Bulgarian journalist by one of the largest and most influential newspapers in Bulgaria - Slavi Angelov, committed in March 2020, have been identified. The perpetrators - three people - have been brought to justice. The indictment against them was filed with the Specialized Criminal Court. In addition to inflicting grievous bodily harm on Angelov, the three are accused of using force in January 2019 to detain them and benefiting from drugs. In addition, in the last year, an attacker was convicted of a journalist who, on hooligan motives, obstructed the work of the media representative. Denislav Stanoev, 20, was one of two people detained after an incident at Sofia Tech Park on August 5, 2020. He was accused of inflicting minor bodily harm on the hooligan motives of two protesters who attended the conference. Stanoev was also convicted of snatching a mobile phone from the hand of journalist Polina Paunova and demonstratively throwing it aside. The defendant pleaded guilty before the Sofia District Court and his case was heard under summary proceedings.

Access to information and public documents 3000 character(s) maximum Every

journalist in Bulgaria has equal rights to access information, guaranteed by the Law on Access to Public Information. The refusals of various state institutions to provide such information are subject to judicial review at the request of the particular journalist or media, which right ensures equal distance of journalists from state institutions, whose decisions directly related to their work can be appealed.

Lawsuits and convictions against journalists (incl. defamation cases) and safeguards against abuse 3000 character(s) maximum

In 2020, the Bulgarian Prosecutor's Office conducted several investigations against perpetrators of attacks on media representatives. The perpetrators of a brutal beating of a Bulgarian journalist by one of the largest and most influential newspapers in Bulgaria - Slavi Angelov, committed in March 2020, have been identified. The perpetrators - three people - have been brought to justice. The indictment against them was filed with the Specialized Criminal Court. In addition to inflicting grievous bodily harm on Angelov, the three are accused of using force in January 2019 to detain them and benefiting from drugs. In addition, in the last year, an attacker was convicted of a journalist who, on hooligan motives, obstructed the work of the media representative. Denislav Stanoev, 20, was one of two people detained after an incident at Sofia Tech Park on August 5, 2020. He was accused of inflicting minor bodily harm on the hooligan motives of two protesters who attended the conference. Stanoev was also convicted of snatching a mobile phone from the hand of journalist Polina Paunova and demonstratively throwing it aside. The defendant pleaded guilty before the Sofia District Court and his case was heard under summary proceedings.

Other - please specify 3000 character(s) maximum

Other institutional issues related to checks and balances - Bulgaria

The process for preparing and enacting laws

Framework, policy and use of impact assessments, stakeholders'/public consultations (particularly consultation of judiciary on judicial reforms), and transparency and quality of the legislative process

3000 character(s) maximum Among the most serious problems of the Bulgarian legislature is the practice of changes in key laws without in-depth public discussion, with shortened deadlines for proposals between first and second reading, as well as the practice of changes in laws through transitional and final provisions of other laws. A clear example of this is the above-mentioned changes in the Criminal Procedure Code and the JSA, which created the controversial figure of a special prosecutor to investigate the chief prosecutor and his deputies. Lawyers from all guilds spoke out against her, including the bar, the prosecution itself, judges, investigators and a number of researchers. However, their opinion was not taken into account by the legislator and he quickly and without much debate accepted the changes that were prepared by the ruling majority in Bulgaria.

Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

3000 character(s) maximum

Regime for constitutional review of laws. 3000 character(s) maximum The Constitutional Court is a single, central specialized extra-parliamentary body for review of constitutionality. The Constitutional Court is activated by referral mainly by subjects of public authority, described in Art. 150. The control is abstract, not related to the resolution of a specific court dispute. The control of the Constitutional Court in Bulgaria is subsequent - it is carried out after the law has been promulgated and entered into force. As a result of the control over the constitutionality of the law, no new legal norms are created. The control has a ascertaining character - to establish the contradiction or the conformity of the law with the Constitution, from which certain legal consequences follow.

COVID-19: provide update on significant developments with regard to emergency regimes in the context of the COVID-19 pandemic

judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic

oversight by Parliament of emergency regimes and measures in the context of COVID-19 pandemic

measures taken to ensure the continued activity of Parliament (including possible best practices)

3000 character(s) maximum

In the conditions of the growing pandemic COVID-19 in the last year, the Bulgarian institutions, the non-governmental sector and the media have made great efforts to inform the public about the infection happening in our country and around the world so that citizens can be informed about the

scale and its spread. In times of crisis, state institutions launched a series of campaigns in support of the most vulnerable groups. In the difficult year, in view of the development of the pandemic, the Bulgarian prosecutor's office actively participates in fundraising campaigns for the purchase of consumables needed for the treatment of the coronavirus. A series of donations were made by prosecutors, investigators, court clerks at various hospitals across the country for plasmapheresis devices. The prosecutor's office has also launched a campaign to donate blood plasma and blood to those in need in the crisis. The charity actions of the state prosecution for collecting blood plasma and consumables in connection with the crisis will continue in 2021.

Independent authorities

Independence, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

Cf. the website of the European Court of

Auditors:<https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>

3000 character(s) maximum The Ombudsman of the Republic of Bulgaria can contribute within the framework of his statutory powers to reduce the risk of a series of practices undesirable by the citizens. The Ombudsman in Bulgaria is an independent body that, firstly, accepts complaints of inaction and violations by state and municipal authorities, and secondly, expresses opinions and makes recommendations on bills, and has the opportunity to refer to the Constitutional Court.

According to the Bulgarian Law on the Ombudsman, he "... advocates with the means provided for in this law, when by action or inaction the rights and freedoms of citizens are affected or violated by the state and municipal bodies and their administrations, as well as by the persons to whom assigned to provide public services'. Functions for the protection of human rights in Bulgaria are performed by the court, the prosecutor's office, the non-governmental sector and the bar. Each of them has separate powers and rights and obligations guaranteed in Bulgarian laws, which are often reviewed by the European Court of Human Rights.

Accessibility and judicial review of administrative decisions Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data) and judicial review (incl. scope, suspensive effect)

3000 character(s) maximum The administrative decisions of almost all Bulgarian authorities are subject to publication on their official websites, in strict compliance with the Personal Data Protection Act. Exceptions to the rule are acts and decisions that contain classified information or that that relates to national security. Judicial control over administrative acts is exercised by the Bulgarian administrative courts in accordance with the Administrative Procedure Code. In May 2020, the President of the Supreme Administrative Court (SAC) reported that the administrative judiciary in Bulgaria rises one position and is now in second place in terms of speed in dealing with administrative cases at all instances in the European Union.

Implementation by **the public administration and State institutions of final court decisions** **3000 character(s) maximum** The final court decisions are strictly observed by the Bulgarian administration and institutions. There is no publicly disclosed evidence that any body or institution has circumvented court decisions in the last year.

The enabling framework for civil society

Measures regarding the framework for civil society organisations (e.g. access to funding, registration rules, measures capable of affecting the public perception of civil society organisations, etc.)

3000 character(s) maximum

One of the main roles of civil society organizations is to advocate for the rights and interests of the groups they represent (for example, to have more rights for people with disabilities) or to solve societal problems (for example, the independence of the judiciary) that are set a goal. Their activity is generally regulated by the Non-Profit Legal Entities Act. However, non-governmental organizations in Bulgaria often do not report their revenues, as well as their eastern ones, for funding. For this reason, the issue of changes in the law has been raised several times in the last year to ensure strict control of the funds of non-governmental organizations, especially those coming from abroad.