

Appendix 3

Proceedings/decisions in 2023 in the Supreme Court of Cassation on corruption cases

The total number of criminal cases initiated in 2023 in the SCC and those in which a final judgment was rendered in 2023, with the subject of crimes included in Annexes No. 1 and No. 2 to [Order No. 777/18.10.2022](#) of the President of the SCC, is 48.

Of these, 6 are "high-level corruption cases", all of which have been decided by the Supreme Court of Cassation.

I. Cases of corruption offences involving defendants holding senior public positions (under Article 6 of the CPC)

Cases involving substantive corruption offences

1. In Criminal Case No. 893/2022, the defendant is the acting Head of Svilengrad Customs. The proceedings were initiated on a cassation appeal of T.S.K. against the decision on appellate public criminal case No. 100/2021 of the Court of Appeal – Plovdiv, which amended the judgment of the District Court – Haskovo. The defendant was found guilty and convicted of an offence under section 302(1)(a) in conjunction with section 301(1) in conjunction with section 26(1) of the Criminal Code (a person who holds a position of responsibility and asks for and accepts a gift which is not due to him in order not to act in his official capacity) and was sentenced to a term of imprisonment of 4 years. He was also found guilty of a criminal offence under Article 283 of the Criminal Code (an official using his official position to obtain for himself or for another an unlawful benefit) and was sentenced to 2 years' imprisonment. A total penalty of 4 years' imprisonment was imposed, plus a fine of BGN 5 000. By the appeal decision the conviction was annulled in the part under Article 283 of the Criminal Code and the criminal proceedings were terminated in this part. The sentence was also set aside in the part in which the defendant was found guilty in his capacity as an official holding a responsible official position within the meaning of Article 93, point 1 (a) of the Criminal Code, being acquitted of this charge. For the remainder, the judgement is upheld.

With **Decision No. 247/05.07.2023 in cassation criminal case No. 893/2022**, the Supreme Court amended the decision of the Appellate Court – Plovdiv in the part confirming the punishment of T. S.C. for the crime under Article 302, point 1 (a) in relation to Article 301, paragraph 1 in relation to Article 26, paragraph 1 of the Criminal Code according to the sentence of the District Court – Haskovo, reducing the amount of the punishment "imprisonment" from 4 years to 3 years and postpones the implementation for a probationary period of 5 years; reduces the amount of the punishment "deprivation of the right to hold a position in the state administration" from 6 years to 5 years. The Court of Cassation sets aside the judgment of the Court of Appeal as follows: in the part by which the Judgement of the District Court – Haskovo regarding the conviction of T. S.C. for the crime under Article 283 of the Criminal Code and on the basis of Article 334, point 4 of the Criminal Code in connection with Article 81, paragraph 3 in connection with Article 80, paragraph 1, point 4 of the Criminal Code in connection with Article 24, paragraph 1, item 3 of the Code of Criminal Procedure, the criminal proceedings were terminated; in the part with which the judgement of the District Court – Haskovo was confirmed pursuant to the application of Article 53, paragraph 2 (b) of the Criminal Code and on costs. Refers the case back to the Court of Appeal – Plovdiv, sitting in a different formation, for reconsideration of the annulled parts. Upholds the remainder of the judgment on appeal.

2. In criminal case No 497/2023, one of the defendants (N. N.) is the director of the Regional Directorate for Motor Vehicle Administration – Pleven under the Executive Agency for Motor Vehicle Administration under the Ministry of Transport, Information Technologies and Communications. The case was initiated as a result of a protest against the decision of the Court of Appeal – Veliko Tarnovo in appellate public criminal case No. 77/2022, which confirmed the Judgement of the District Court – Lovech in public criminal case No. 87/2021. With it N.G.N. found not guilty of having committed crimes under Article 304b, paragraph 1, hypothesis 1 and hypothesis 2 in relation to Article 26, paragraph 1 in relation to Article 20, paragraph 2 in relation to paragraph 1 of the Criminal Code; Article 282, paragraph 2 in connection with paragraph 1 in connection with Article 26, paragraph 1 in connection with Article 20, paragraph 2 in connection with paragraph 1 of the Criminal Code; article 339, paragraph 1 of the Criminal Code. With the sentence, I.V.I. was found not guilty of having committed crimes under Article 304b, paragraph 1, hypothesis 1 and hypothesis 2 in connection with Article 26, paragraph

1 in connection with Article 20, paragraph 2 in connection with paragraph 1 of the NC; Article 282, paragraph 2 in connection with paragraph 1 in connection with Article 26, paragraph 1 in connection with Article 20, paragraph 4 in connection with paragraph 1 of the Criminal Code; Article 339, paragraph 1 of the Criminal Code; Article 348 (a) of the Criminal Code.

With Decision No. 436/23.11.2023 in cassational criminal case No. 497/2023, the Supreme Court annuls the decision of the Court of Appeal – Veliko Tarnovo in the part concerning the accusation under Article 282, paragraph 2 in connection with paragraph 1 in connection with Article 26, paragraph 1 in connection with Article 20, paragraph 2 and under Article 339, paragraph 1 of the Criminal Code in relation to H. G. N., and in the part concerning the charge under Article 282, paragraph 2, subparagraph 1, in conjunction with Article 26, paragraph 1, in conjunction with Article 20, paragraph 4, of the Criminal Code in respect of I. B. I., and refers the case back to the appellate court for a fresh decision by another formation of the court from the hearing stage.

Cases involving offences committed by officials with a probable corrupt motive

3. In criminal case No 33/2023, the defendant is the executive director of the University Multiprofile Hospital for Active Treatment "St. Anna" AD, Sofia. The proceedings were initiated in protest against the appellate Judgement in appellate public criminal case No. 691/2021 of the Sofia Court of Appeal (SAC), which annulled the Judgement of the Sofia City Court (SCC) in public criminal case No. 5780/2018 and the defendant D. V D. was found not guilty and acquitted of the charge under Article 219, paragraph 1 of the Criminal Code. The Judgement was upheld in the acquittal part.

By the first-instance Judgement, the defendant was found guilty of not taking sufficient care for the management and preservation of the property entrusted to him in his capacity as an official – the executive director of St. Anne's University Hospital AD, by failing to comply with a decree of the Council of Ministers and a decision of the Board of Directors, resulting in significant damage to the hospital in the amount of BGN 4,821,148.15 – an offence under Article 219(1) of the Criminal Code (bankruptcy). D. was sentenced to 6 months of "probation" with probation measures: "compulsory registration at the current address" and "compulsory periodic meetings with a probation officer". He was acquitted of the charge under Article 219(3) of the Criminal Code (wilful insolvency).

With Decision No. 335/04.10.2023 in cassational criminal case No. 33/2023 of the Supreme Court, the appellate Judgement of the Sofia Court of Appeal is upheld.

4. In criminal case No. 441/2023, the defendant is a judge and the charge is for official and documentary offences in the handling of a commercial case. The proceedings were initiated in protest against the appellate Judgement in appellate public criminal case No. 853/2022 of the SAC, with which R. C. was found not guilty of having committed an offence under Article 311 of the Criminal Code in her capacity as a judge of the Sofia City Court. The rest of the Judgement in public criminal case No. 2255/2018 of the Specialized Criminal Court (closed) was confirmed, by which the defendant was found not guilty in her capacity as a judge of having committed a crime under Article 282 of the Criminal Code.

With **Decision No. 343/10.10.2023 on cassational criminal case No. 441/2023** of the Supreme Court, the appellate Judgement on appellate public criminal case No. 853/2022 of the Sofia Court of Appeal is upheld.

5. The defendant in criminal case No. 200/2023 is a prosecutor. The proceedings were initiated on the appeal of R. II. B. against the Judgement in appellate public criminal case No. 830/2022 of the SAC. With a Judgement in public criminal case No. 476/2021 of the Specialized Criminal Court R. II. B. was found not guilty of: crime under Article 283 of the Criminal Code; crime under Article 288, hypothesis 2 of the Criminal Code; crime under Article 289 of the Criminal Code against Ts. Zh.. G. I. Found guilty of an offence under Article 289 of the Penal Code against A. G. D., having been acquitted of the offence under Article 26(1) of the Penal Code. She was sentenced to 6 months' imprisonment, the execution of which was suspended for 3 years. The sentence of the Court of First Instance was revoked and R. II. B. was found guilty of committing the crime under Article 288, hypothesis 2 of the Criminal Code, and she was sentenced to "imprisonment" for a period of 6 months. For the remainder, the sentence of the SNS is confirmed. The overall heaviest penalty of deprivation of liberty for a period of 6 months was imposed, suspended for a period of 3 years.

With Decision No. 253/06.07.2023 on cassation criminal case No. No. 200/2023 of the Supreme Court, the appellate Judgement of the Sofia Court of Appeal is upheld.

Cases involving abuse of office by officials and crimes by non-officials with a probable corrupt motive

6. In Criminal Case No 978/2020, one of the defendants (V. D. D.) is an executive director and a member of the Board of Directors of Toplofikatsia Sofia AD, and the charge is embezzlement in particularly large amounts. The cassation proceedings are the second in a row. It was formed in response to a protest against the decision on appellate public criminal case No. 185/2020 of the SAC, which confirmed the Judgement of the SGS on public criminal case No. 3626/2016. With it, the defendant V. D. D. was found not guilty of committing a crime under Article 203, paragraph 1 in relation to Article 201 in relation to Article 26, paragraph 1 and in relation to Article 20, paragraph 2 in relation to paragraph 1 of the Civil Code for the fact that in his capacity as an official under Article 93, point 1, b "b" of NC – executive director and member of the Board of Directors of "Toplofikatsia Sofia" EAD, as a perpetrator in complicity with M.L. A., embezzled other people's money in the amount of BGN 4 424 800,82, entrusted to him to manage them, as the embezzlement is of particularly large size, constitutes a particularly serious case and is committed under the conditions of a continuing offence. By the same sentence the defendant M. A. was found not guilty of an offence under Article 203(1) in conjunction with Article 201 in conjunction with Article 201(1) of the Criminal Code. Article 26(1) in conjunction with Article 20(4) in conjunction with Article 20(1) of the Criminal Code, for being an accomplice in complicity with V. D. D. – perpetrator, intentionally facilitated the defendant to embezzle other people's money entrusted to him to manage.

With **Decision No. 63/07.02.2023 on cassational criminal case No. 978/2020** of the Supreme Court of Appeals, the decision on appellate public criminal case No. 185/2020 of the Sofia Court of Appeal is upheld.

II. Cases of corruption offences with defendants who do not hold senior public positions

Cases involving substantive corruption offences

Crime under Article 301 of the Criminal Code – 4 cases

1. Criminal case No. 765/2023 was initiated on the complaint of G. I. Y. against the decision on appellate public criminal case No. 190/2023 of the Appellate Court – Plovdiv. By a Judgement of the District Court – Pazardjik, G. I. Y. was found guilty of the fact that in the period from 31.08.2021 to 10.09.2021 in Pazardjik, in the building of the Directorate "Labor Inspection" – Pazardjik, as an official of within the meaning of Article 93, point 1 (a) of the Criminal Code, holding the position of "chief inspector" in the Directorate of Labor Inspection, in the conditions of a continuing crime, he requested and accepted a gift – a sum of BGN 500, which he did not owe, in order not to perform an act of duty – in order not to draw up an act for an established administrative offense under Article 61, paragraph 1 of the Criminal Code against the employer "Park Agrokulturi" OOD and thus violate his duty under the obligation specified in Article 21, paragraph 4, point 3 of the Rules of Procedure of the Executive Agency "Main Labor Inspectorate" and in Section V, point 5 of his job description, and this breach of duty does not constitute a crime. Pursuant to Article 301, paragraph 2, read in conjunction with Article 26, paragraph 1, read in conjunction with Article 54 of the Criminal Code, G. I. Y. was sentenced to 2 years' imprisonment, suspended for 3 years, and a fine of BGN 500. He was also deprived of the right to hold a public office for a period of 2 years. By the judgment under appeal, the sentence was amended by acquitting the defendant of having committed the offence under Article 301(2) in conjunction with Article 26(1) of the Criminal Code. For the remainder, the judgement is upheld.

No final judgement has been handed down to date.

2. Criminal case No 194/2023 was brought on cassation appeals by S. K. B.T. and D.N. Y. – inspectors in the "Motor Vehicle Administration" – Plovdiv, against the decision in appellate public criminal case No. 212/2022 of the Court of Appeal – Plovdiv, by which the Judgement of the District Court – Plovdiv was confirmed. M., P. B.T. and D.N. J. are recognized as accomplices in their capacity as officials guilty of committing a continuing crime under Article 301, paragraph 1 in connection with Article 20, paragraph 2 in connection with paragraph 1 in connection with Article 26, paragraph 1 of the Criminal Code (request and accepting gifts that they do not follow in order not to perform an act of office), for which S.K.M. was sentenced to "imprisonment" for 3 years and a "fine" in the amount of BGN 4,000. , and to P. B.T. and D.N. Y. – 2 years' imprisonment and a fine of BGN 3 000 each. The defendants are also deprived of the right to hold a state position in the Automobile Administration Agency for a period of 5 years each. They were acquitted on the original charge that the acts were committed by abuse of office – a qualified offence of bribery under Article 302(2) in conjunction with Article 301(1) in conjunction with Article 20(2) in conjunction with Article 26(1) of the Criminal Code.

The **decision No. 359/13.10.2023 of the Supreme Court of Cassation** upheld the appeal decision of the Court of Appeal – Plovdiv.

3. Criminal case No. 145/2023 was initiated on the request of the Prosecutor General to reopen the proceedings in public criminal case No. 3648/2018 of the SCC, appellate public criminal case No. 636/2021 of the SCC and cassation criminal case No. 441/2022 of the SCC regarding the convicted I. P. G. By the Judgement in public criminal case No 3648/2018 of the SJC E. M. G. and I. P. G. were found guilty of committing a crime under Article 301, paragraph 1 in conjunction with Article 20, paragraph 2 in conjunction with paragraph 1 in conjunction with Article 26, paragraph 1 of the Criminal Code, namely for the fact that under the conditions of a continuing crime as officials in the Directorate General of the National Revenue Agency – Sofia, in complicity as co-perpetrators with each other, they demanded a gift – the amount of BGN 7,000, and accepted a gift – the amount of BGN 2,000, from J. M. G.. C. G. – representing and managing "Slatina auto" EOOD, which is not due to them, for not performing an act of office. They were sentenced to 3 years' imprisonment for each defendant, suspended for a probationary period of 5 years, and a fine of BGN 2 500 for each of them. E. M. G. is deprived of the right to hold a controlling state or public office, as well as to exercise a profession or activity related to controlling activities for a period of 5 years. The judgment in Appellate Public Criminal Case No. 636/2021 of the SAC reversed the conviction, acquitting the defendants on the charge of having committed the offence under section 301(1) read with section 20(2) read with section 26(1) of the Penal Code in the context of a continuing offence. The judgment in criminal case No 441/2022 of the Supreme Court of Cassation upheld the appeal judgment.

By **Decision No. 226/20.06.2023 on cassation criminal case No. 145/2023** of the Supreme Court of Appeal, the sentence of the SGS was annulled in the order of resumption, along with a decision of 10.01.2023, issued pursuant to Article 414, paragraph 1 of the Criminal Procedure Code in the same case, the decision of the SAC and the decision of the Supreme Court only in their parts regarding the criminal responsibility of the convicted I.R.G. and the case was returned for a new consideration in the canceled part of the Sofia City Court from the stage of the court session.

4. Criminal case No. 747/2022 was initiated on cassation appeals of N.P.V., S.I.M., G.N.A. and D.P.D. against the decision on appellate public criminal case No. 22/2020 of the ACCC. By judgment of the Specialized Criminal Court, G. N. A. and N. P. V. were found guilty of having, on 15.07.2011, in the village of Trakia, in the conditions of a continuing crime, as accomplices in their capacity as officials accepted by S. I. M. and D. P. D. gifts that are not followed by them – BGN 6,800 for not performing official actions, namely not performing control functions in relation to the permissible maximum mass for traffic on the roads of vehicles (crime under Article 30, paragraph 1, hypothesis 2 in relation to Article 26, paragraph 1 in relation to Article 20, paragraph 2 in relation to paragraph 1 of the Criminal Code). Each of them has been sentenced to "imprisonment" for a term of 2 years, suspended for 4 years, "a fine" of BGN 2,000 and "disqualification from holding a public office related to the control of road vehicles" for 3 S.I.M. was found guilty of having, in the village of S. Trakia gave a bribe of 5000 BGN to N. P. V. and G. H. He was sentenced to 2 years' imprisonment, suspended for 4 years, and a fine of BGN 2,000. D. P. D. was found guilty of having given a bribe of BGN 1,800 to N. P. V. and G. N. A. in the village of Trakia. He was sentenced to "imprisonment" for a term of 1 and 6 months, suspended with a probationary period of 3 months, and a "fine" of BGN 500. By the judgment of the Supreme Administrative Court the sentence was amended as follows: G. N. A. and N. P. V. are found not guilty of the charge of the offense under Article 301, paragraph 1 in relation to Article 20, paragraph 2, committed on 15.07.2011 in Thrace village; G. N. A. and N. P. V. are found not guilty of having committed on 05.05.2011 in Radnevo and with complicity the act under Article 301, paragraph 1, hypothesis 2 in connection with Article 20, paragraph 2; the "imprisonment" penalties imposed on G.NA, N.P.V. and S.I.M. were reduced from 2 to 1 and 6 months; the probationary period for which the execution of the "imprisonment" punishments of G.NA, N.P.V. and S.I.M. was postponed was reduced from 4 to 3; the penalties imposed on G.NA and N.P.V. were reduced from 3 to 2 and 6 months, "deprivation of the right to hold a public position related to the control of road vehicles". For the remainder, the judgement is upheld.

With **Decision No. 66/04.10.2023 in cassational criminal case No. 747/2023** of the Supreme Court of Cassation, the Judgement of the ACCC is upheld.

Crime under Article 302, paragraph 1 of the Criminal Code – 10 cases

1. Criminal case No. 824/2023 was initiated on a cassation appeal of I. Г. K. against the appeal verdict in the appellate public criminal case No. 642/2022 of the Sofia Court of Appeal. With a judgement in public criminal case No. 36/2021 of the District Court – Blagoevgrad, I. G. K. and S. P. T. were recognized as accomplices guilty of committing a crime under Article 302, point 1, hypothesis penultimate and point 2 (a) in relation to Article 301, paragraph 1 in relation to Article 20, paragraph 2 of the Criminal Code (requesting and

accepting a bribe by extortion through abuse of official position), for which they were sentenced to imprisonment for 3 years, the implementation of which has been postponed for a period of 3 years, and a "fine" in the amount of BGN 1,000 each. They were also deprived of the right to hold state or public office for a period of 3 years. With a decision on appellate public criminal case No. 977/2021 of the CAS, the sentence was upheld. With a decision on cassation criminal case No. 145/2022 of the Supreme Court of Justice, the decision of the SAC was annulled and the case was returned for a new examination by another panel of the appeals court.

The judgment in appellate public criminal case No. 642/2022 of the SAC, the first-instance judgment was canceled in the part by which S.P.T. was found guilty of committing a crime under Article 302, point 1, hypothesis penultimate and point 2 (a) in relation to Article 301, paragraph 1 in relation to Article 20, paragraph 2 of the Criminal Code, being acquitted of this charge. With the same sentence, I.G.K. was found not guilty of having acted in complicity with S.P.T. and for the qualification under Article 20, paragraph 2 in connection with paragraph 1 of the Criminal Code. For the remainder, the judgement is upheld.

No final judgement has been handed down to date.

2. Criminal case No. 733/2023 was initiated based on a cassational protest and cassation appeal of M.O.G. (junior auto inspector at the RPD of the Ministry of Internal Affairs – Nikopol) against the decision of the Court of Appeal – Veliko Tarnovo in appellate public criminal case No. 51/2023, with which was partially amended (the defendant was acquitted under point 2 of Article 302 of the Criminal Code – bribery by extortion through abuse of office) the judgement in public criminal case No. 297/2020 of the Pleven District Court. With it, M.O.G. was found guilty and sentenced for a crime committed under Article 302, point 1 and point 2 (a) in connection with Article 301, paragraph 1, in connection with Article 26, paragraph 1 of the Criminal Code (official a person who asks for and accepts a gift that is not due to him in order not to perform official acts – police authority).

No final judgement has been handed down to date.

3. Criminal case No. 274/2023 was initiated on cassation appeals of the N.R.A. against the decision on appellate public criminal case No. 289/2022 of the Court of Appeal – Veliko Tarnovo, which partially amended the verdict on public criminal case No. 634/2021 of the District Court – Ruse. By it, B. G. B., E. S. M. and N. R. A. are found guilty of having committed an offense under Article 302, paragraph 1, hypothesis 6, in conjunction with Article 301, paragraph 1, hypothesis 1 and hypothesis 2 of the Criminal Code in complicity and under the conditions of a continuing crime. The defendant, N.R.A., was found not guilty and acquitted of the initially brought charge of a crime under Article 339, paragraph 1 of the Criminal Code. It was held that the act constituted an administrative offence and an administrative fine of BGN 500 was imposed on him. B. G. B. was sentenced to "imprisonment" for a term of 4 years and a "fine" in the amount of BGN 6,000. He was deprived of the right to hold a state post in the Ministry of the Interior and to exercise the police profession for a period of 5 years. M. was sentenced to "imprisonment" for a term of 3 years and a "fine" in the amount of BGN 4,000. He was deprived of the right to hold a state post in the Ministry of the Interior and to exercise the police profession for a period of 3 years. The sentence of imprisonment was suspended for a period of 5 years. N. R. A. was sentenced to "imprisonment" for a term of 3 years and a "fine" in the amount of BGN 3000. He is deprived of the right to hold a state post in the Ministry of the Interior and to exercise the police profession for 3 years. The sentence of imprisonment was suspended for a period of 3 years.

With the decision of the Court of Appeal – Veliko Tarnovo, the sentence was amended in its sanctioning part. The "imprisonment" sentence imposed on B. G. B. was reduced from 4 to 3 years, and the serving was suspended for a period of 5 years. The probationary period of E.S.M. was reduced from 5 to 3 years and the amount of the fine from BGN 4,000 to BGN 3,000. For the remainder, the judgement is upheld.

With **Decision No. 139/19.04.2023 in cassational criminal case No. 274/2023** of the Supreme Court of Appeal, the appellate decision was amended in the part that confirmed the verdict of the District Court – Ruse regarding the penalties imposed on N.R.A. "deprivation of freedom", "deprivation of the right to hold a public position in the system of the Ministry of Internal Affairs" and "deprivation of the right to exercise a police profession" for a period of 3 years, with the punishment of "imprisonment" and deprivation of the above-mentioned rights for a period of 2 years.

4. Criminal case No 248/2023 involves a defendant who is a police officer – a senior police officer at the BCP Ruse at the Border Police Department – Ruse. The proceedings were initiated on his cassation appeal against the decision on appellate public criminal case No. 158/2022 of the Appellate Court – Veliko Tarnovo, which confirmed the verdict on public criminal case No. 723/2019 of the District Court – Ruse. With it, the defendant M. G. M. was found guilty of committing a crime under Article 302, point 1, hypothesis 2 (a) in conjunction with Article 301, paragraph 1, hypothesis 1 and hypothesis 2 of the Criminal Code and imposed the penalties "imprisonment" for a period of 2 years, the execution of which is suspended with a probationary period of 3

years, and a "fine" in the amount of BGN 2,000. He was also deprived of the right to hold a public office in the Ministry of the Interior for a period of 5 years and to exercise the police profession for a period of 5 years.

No final judgement has been handed down to date.

5. Criminal case No. 180/2023 was initiated on the cassation appeal of S. DB against the decision on appellate public criminal case No. 701/2022 of the CAS, which confirmed the verdict on public criminal case No. 1741/2021 of the Sofia City Court. With it, S. D. B. was found guilty of a crime under Article 302, point 1 in connection with Article 301, paragraph 2 in connection with paragraph 1 of the Criminal Code – in that on 16.08.2019 in Sofia he accepted a monetary gift an amount of BGN 850, from L. C. L., because he violated his office – he did not hand to L. S. L. a summons in connection with a file on the inventory of the OPP-SDIA for an offence under the Road Traffic Act – in violation of his official duty arising from Article 84 of the Criminal Code in conjunction with Article 178 of the Code of Criminal Procedure and Art. 6 of the Order No. 3382z – 68/2019 of the Head of 07 RPD-MDoI, issued on the basis of Article 54 of the MoIA and Article 24, paragraph 4 of Instruction No. 8121z-823 of 05.11.2014 on the organization of activities in the Ministry of Interior on the territorial service of the population, as the violation of the service does not constitute a crime. For the offence under Article 302, paragraph 1 in conjunction with Article 301, paragraph 2 in conjunction with paragraph 1 of the Criminal Code of S. D. B. was sentenced to a term of imprisonment of 1 year, suspended for 3 years, and a fine of BGN 2 000. The defendant is deprived of the right to hold a certain police post in the Ministry of the Interior and to exercise the profession of a police officer for a period of 2 years. He was sentenced to pay the equivalent of the object of the offence – BGN 850.

With Decision No. 320/21.09.2023 in cassational criminal case No. 180/2023 of the Supreme Court, the appellate decision of the Sofia Court of Appeal is upheld.

6. Criminal case No. 159/2023 was initiated on a cassation appeal of M. D. against the appellate decision in appellate public criminal case No. 188/2022 of the Court of Appeal – Burgas, which confirmed the first-instance verdict in public criminal case No. 432/2019 of the District Court – Sliven. In it the defendant was found guilty and convicted of an offence under Article 302(1) in conjunction with Article 301(1) of the Criminal Code (an official requesting and accepting a gift not due to him in order not to perform an act in his official capacity – a police authority). He was sentenced to "imprisonment" for 2 years, suspended with a probationary period of 3 years, "a fine" of BGN 1,000 and "disqualification from holding an office in the Ministry of the Interior" for a period of 2 years.

With Decision No. 141/21.04.2023 on cassation criminal case No. 159/2023 of the Supreme Court, the appellate decision was confirmed.

7. Criminal case No. 54/2023 was initiated on a cassation appeal of the Supreme Administrative Court against the decision of the SAC in appellate public criminal case No. 341/2022. It confirmed the verdict of the SGS in public criminal case No. 1432/2020, by which the defendant S. V. S. was found guilty and sentenced for the crime committed by him under Article 302, (a) and in connection with Article 301, paragraph 1 of the Criminal Code and he was sentenced to "imprisonment" for a period of 3 years, the serving of which was suspended for a period of 3 years, as well as a "fine" in the amount of BGN 2,000. G. was found guilty and convicted of an offence under Article 304a in conjunction with Article 304(1) of the Criminal Code and sentenced to a term of imprisonment of 3 months, the serving of which was suspended for a probationary period of 3 years, and a fine of BGN 2 000.

With Decision No. 97/07.03.2023 on cassation criminal case No. 54/2023 of the Supreme Court, the appellate decision was upheld.

8. Criminal case No. 810/2022 was initiated on the cassation appeal of M. H. K. against the decision on appellate public criminal case No. 168/2022 of the Court of Appeal – Plovdiv. By the Judgement of the District Court – Haskovo the defendant was found guilty of the offence that on 18.10.2016 at the checkpoint "Kapitan Andreevo" in the capacity of an official who holds a responsible official position – a police authority, "junior inspector" – senior police officer in 01 group of the checkpoint "Kapitan Andreevo" at the GPU – Svilengrad, RDPG – Elhovo, requested and accepted from I. I. I. a gift which was not due to her (EUR 50) in order to perform an official act – to allow the vehicle driven by I. I. to leave the country for the Republic of Turkey. She was sentenced to "imprisonment" for a term of 1, suspended with a probationary term of 3, a "fine" in the amount of BGN 1,000, "deprivation of the right to hold a state or public office in a body of state power" for a term of 3 and "deprivation of the right to exercise a profession or activity related to the keeping, management, control and accounting of other people's property" for a period of 3 With the appeal decision, the sentence was amended, and

M.H.K. was sentenced to pay in favor of the state the sum of BGN 97.79, representing the BGN equivalent of 50 euros, the subject of the crime. For the remainder, the judgement is upheld.

With **Decision No. 74/02.02.2023 on cassation criminal case No. 810/2022** of the Supreme Court of Appeal, the decision of the Court of Appeal – Plovdiv was amended, canceling the part by which, on the basis of Article 307a of the Criminal Code, the defendant was sentenced to pay in favor of the state an amount in the amount of BGN 97.79, representing the BGN equivalent of 50 EUR, the subject of the crime, the decision being left in force in the rest

9. Criminal case No. 574/2022 was initiated on the cassation appeal of Zh. D. M. – junior car inspector at the Traffic Police Sector at the Directorate of the Ministry of Internal Affairs – Varna, against the appellate decision on appellate public criminal case No. 75/2022 of the Court of Appeal – Varna, which confirmed the verdict in public criminal case No. 947/2021 of the District Court – Varna. In it the defendant was found guilty and convicted of an offence under Article 302(1) in conjunction with Article 301(1) of the Criminal Code (an official requesting and accepting a gift not due to him in order not to perform an act in his official capacity – a police authority). He was sentenced to 3 years' imprisonment, the execution of which was suspended for a probationary period of 5 years, and a fine of BGN 2 000. He is deprived of the right to hold a position in the structures of the Ministry of the Interior for a period of 3 years.

With **Decision No. 50198/01.02.2023 on cassation criminal case No. 574/2022** of the Supreme Court, the decision of the Court of Appeals – Varna was left in force.

10. Criminal case No. 429/2022 was initiated on appeals of R. R. B., P. I. and N. K. I. against the decision on appellate public criminal case No. 361/2021 of the Court of Appeal – Veliko Tarnovo. This is the second time the case has been before the SCC. The appellate decision confirmed the verdict in public criminal case No. 349/2021 of the District Court – Ruse. With it the court found guilty: P. B. I. P. I. for having, in his capacity as an official – a police officer in the Traffic Police Sector of the Ruse Regional Police Department, under the conditions of a continuing offence during police checks, requested and accepted a gift which was not due to him in order not to perform an official act – to draw up a report for an administrative offence under the Road Traffic Act (RTA), Therefore, he was sentenced to 2 years' imprisonment, the serving of the sentence was suspended for a probationary period of 3 years and 6 months, he was deprived of the right to hold a position in the public administration and to exercise the profession of "police officer" for a period of 3 years; P. R. B. for being an official – police officer in the "Traffic Police" sector at the Police Department of the Ministry of Internal Affairs – Ruse, in complicity as a co-perpetrator with P. I., demanded and accepted a gift which was not due to him, in order not to perform an official act – to draw up a report for an administrative offence under the Road Traffic Act, for which reason he was sentenced to 1 year of "imprisonment", the serving of which was suspended for 3 years, he was deprived of the right to hold a position in the state administration and to exercise the profession of "policeman" for a period of 3 years; N. K. I. for the fact that, in his capacity as an official – a police officer in the Traffic Police Sector at the Ruse Police Department, during a traffic police check, he requested and accepted a gift which was not due to him, in order not to perform an official act – to draw up an administrative offence report under the Road Traffic Act, therefore he was sentenced to 1 year of "imprisonment", the serving of the sentence was suspended for a probationary period of 3 years, he was deprived of the right to hold a position in the state administration and to exercise the profession "police officer" for a period of 3 years.

With Decision No. 50163/15.03.2023 on cassation criminal case No. 429/2022 of the Supreme Court of Appeals, the appellate decision was cancelled and the case was returned for a new consideration by another panel of the appellate court.

Crime under Article 304 of the Criminal Code – 3 cases

1. Criminal case No. 1162 of 2023 was initiated on the complaint of R.-Y. B. against the decision on appellate public criminal case No. 298/2023 of the Court of Appeal – Varna. It amended the verdict in public criminal case No. 1420/2022 of the District Court – Varna, canceling its acquittal part and instead applying a law for the same punishable crime, as R.-Ya. B. was found guilty of having on 18.10.2021 in Varna given a bribe of BGN 150 to an official I.S. to perform official actions – to assist in not returning a file by personally correcting the text of the mayor's proposal of the Municipality of Varna to the Municipal Council – Varna for making a decision to prepare a detailed layout plan for street regulation, to remove the gaps, errors and irregularities in the proposal, to put a concurring signature, as well as to move the file faster. The act is qualified under article 304, paragraph 1, hypothesis 3 of the Criminal Code. The rest of the conviction was upheld.

No final judgement has been handed down to date.

2. Criminal case No 470/2023 was initiated on the complaint of M. Y. A. A. D. against the decision on appellate public criminal case No. 239/2022 of the SAC, which amended the part on costs of the verdict on public criminal case No. 137/2020 of the SGS and upheld the rest. The judgment against M. Y. A. A. D. was found guilty of giving a gift – a sum of money of 1820 BGN on 01.08.2017, to officials of the Sofia Customs – two chief customs inspectors and one senior customs inspector, performing the function of control over compliance with the excise legislation of the Republic of Bulgaria, for failing to act in their official capacity – to terminate a customs inspection for the presence of excise goods without a banderole, therefore, and on the basis of Article 304, paragraph 1 and Article 54 of the Criminal Code, the defendant was sentenced to "imprisonment" for 2 years, suspended for a probationary period of 3 years, and a "fine" in the amount of BGN 2,500. , and acquitted of the charge of having offered the sum of money.

With **Decision No. 233/28.06.2023 in cassation criminal case No. 470/2023**, the Supreme Court amended the appellate decision, reducing the punishment of M U. A. A. D. to 1 year "imprisonment" and to a "fine" of BGN 1,000, upholding the rest of the judgment.

3. Criminal case No. 255/2022 was initiated on a cassation appeal of the I.I.D. against the appellate decision in appellate public criminal case No. 498/2021 of the SAC, which partially amended the verdict in public criminal case No. 428/2020 of the District Court – Blagoevgrad, as the subject of the crime was reclassified from "benefit" to "gift". In it the defendant was found guilty and sentenced for the offence under Article 304(1) in conjunction with Article 18(1) of the Criminal Code and sentenced to "imprisonment" for 6 months, suspended for 3 years, and a "fine" of BGN 500.

With **Decision No. 92/11.01.2023 on cassation criminal case No. 255/2022** of the Supreme Court, the decision of the Sofia Court of Appeal was upheld.

Crime under Article 304a of the Criminal Code – 2 cases

1. Criminal case No. 1145/2023 was initiated on cassation appeals of the defendant E. N. D. (official – head of the "Internal Control" Department at "Automagistrali" EAD) against the appellate verdict of the SAC in appellate public criminal case No. 1079/2022 With it, the first-instance acquittal in public criminal case No. 2654/2019 of SGS, as the defendant was found guilty of a crime committed under Article 304a in conjunction with Article 304, paragraph 2 in conjunction with paragraph 1 in conjunction with Article 26, paragraph 1 of the Criminal Code (who several times offered and gave a bribe – sums of money to an official a person who holds a responsible official position – a police body under the DGCOC – the Ministry of the Interior, to perform an official action). He was sentenced to "imprisonment" in the amount of 1 year, suspended for 3 years, and "fine" in the amount of BGN 2,000.

No final judgement has been handed down to date.

2. Criminal case No. 815/2023 was initiated on a cassation appeal of I.V.I. against the appellate decision in appellate public criminal case No. 90/2023 of the SAC, which partially amended the first-instance verdict in public criminal case No. 2774/2019 of the SCC. By the Judgement, the defendant was found guilty and convicted of a criminal offence under Article 304a of the Criminal Code (bribery of an official holding a responsible official position – a police officer) and was sentenced to "probation" for a period of 6 months with probation measures of "mandatory registration at his current address" and "mandatory periodic meetings with a probation officer", as well as a "fine" in the amount of BGN 300. The appeal judgment of the Court of Cassation and Justice amended the sentence in so far as the defendant was found guilty of bribing an official holding a responsible official position, applying the law for the same offence, and was acquitted of the charge so brought against him on the ground that the bribed official did not hold a responsible official position. The fine imposed was reduced from BGN 300 to BGN 100. The legal qualification under Article 304a of the Criminal Code is confirmed due to the fact that the bribed official was a police officer.

With **Decision No. 414/13.11.2023 on cassation criminal case No. 815/2023** of the Supreme Court, the decision of the Sofia Court of Appeal was left in force.

Crime under Article 304b of the Criminal Code – 1 case

1. Criminal case No. 901/2023 was initiated on the cassation appeal of S. DB against the decision on appellate public criminal case No. 1099/2022 of the CAS, which confirmed the verdict on public criminal case No. 4117/2021 of the Sofia City Court. By that judgment the defendant T. M. D. was found guilty for having requested and on 02.09.2021 accepted from I. T. in Plovdiv on 21.03.2021 G., the sum of BGN 5,000, which was not due to him, in order to exert influence on the decision-making of officials of the State Fund "Agriculture" in connection with their service in carrying out an on-the-spot inspection, entrusted by order of the Head of the

Sector "Control Inspections" and on the existence of grounds for payment and authorization of the relevant subsidies under the application of "Vivagro" Ltd. under the Scheme for coupled support for vegetables – an offence under Article 304b, paragraph 1 of the Criminal Code. He was sentenced to 6 months' imprisonment, suspended for a probationary period of 3 years. The defendant T. M.D. was acquitted of the charge that on 27.02.2021 in Plovdiv he requested and on 14.03.2021 in the village of Tsalapitsa he accepted from I.T. G., the amount of BGN 5,000, which was not due to him, in order to exert influence in decision-making by officials of the State Fund "Agriculture"; on the charge of having committed the act also in the period from 27.02.2021 to 01.09.2021, as well as on the charge of having committed the incriminated act in the conditions of a continuing offence under Article 26(1) of the Criminal Code.

No final judgement has been handed down to date.

Cases involving offences committed by officials with a probable corrupt motive

Offence under Article 219(3) of the Criminal Code – 1 case

1. Criminal case No. 326/2023 was initiated on cassation appeals of the defendant A. A. M. – director of TP DLS "Chepino", against the decision on appellate public criminal case No. 241/2021 of the Court of Appeal – Plovdiv, which was confirmed in full the verdict in public criminal case No. 130/2019 of the District Court – Pazardzhik. M. was found guilty of an offence under Article 219, paragraph 1 in conjunction with Article 26, paragraph 1 of the Criminal Code, for which he was sentenced to "probation" for 6 months with two mandatory probation measures. He was acquitted in part of the charge originally brought against him under Article 219(3) in conjunction with Article 26(1) of the Criminal Code.

No final judgement has been handed down to date.

Crime under Article 220 of the Criminal Code – 4 cases

1. Criminal case No 846/2023 was initiated on a cassation appeal by the defendant P. A. K. against the decision on appellate public criminal case No. 376/2022 of the Court of Appeal – Varna. With a judgement in public criminal case No. 159/2021 of the District Court – Dobrich P. A.K. was found guilty of knowingly entering into an unprofitable transaction – a contract for the rental of cars under the terms of an operating lease – in his capacity as an official – manager of "Water Supply and Sewerage" EOOD with headquarters and management address in Dobrich and an order attached to the contract for a car worth EUR 48,829.25 including VAT, resulting in significant damage to "Water Supply and Sewerage – Dobrich" AD in the amount of BGN 48,059.92 – a crime under Article 220, paragraph 1 of the Criminal Code, for for which he was sentenced to "imprisonment" for a term of 1 year, suspended with a probationary term of 3 years. He is sentenced to pay to "Vodosnabdanirovanie i Kanalizatsiya – Dobrich" AD the amount of BGN 48059,92, representing compensation for material damage caused by the act. The Judgement was upheld by a decision of the Court of Appeal – Varna. With a decision on cassation criminal case No. 752/2022 of the Supreme Court, the appellate decision was canceled and the case was returned to the appellate court for a new consideration.

With a decision on appellate public criminal case No. 376/2022 of the Court of Appeal – Varna, the sentence imposed on P. K. to 8 months and suspended the sentence with a probation period of 3 years. The amount of the compensation for material damage caused by the act was reduced to BGN 37 504,30.

No final judgement has been handed down to date.

2. Criminal case No 406/2023

With **Decision No. 250/06.07.2023 in cassational criminal case No. 406/2023**, the Supreme Court of Appeal upheld the decision of the Court of Appeal – Varna in appellate public criminal case No. 264/2022, which confirmed the verdict of the District Court – Silistra in the public criminal case No. 152/2021 With it, the defendant V.P. P. was found guilty of an offence under Article 220, paragraph 1 of the Criminal Code. He was sentenced to one year's imprisonment, the serving of which was suspended for three years on the basis of Article 66(1) of the Criminal Code.

3. Criminal case No. 673/2022 was initiated following a protest and appeal by the defendant B. A. G. against the decision on appellate public criminal case No. 142/2022 of the Court of Appeals – Plovdiv. It amended the verdict in public criminal case No. 643/2021 of the District Court – Pazardzhik, canceling the part with which the civil claim brought by the civil plaintiff "Water Supply, Sewerage and Territorial Water Engineering" (STWE) EOOD – Velingrad against B. A. G. (former manager of the mentioned company). Instead, the defendant was ordered to pay VKTV Ltd. the sum of BGN 8400. – compensation for pecuniary damage. The sentence was

confirmed in the remaining part, by which B. A. G. was found not guilty of knowingly entering into an unfavorable transaction with the purchase of a truck on 25.02.2013 in Velingrad in his capacity as an official – manager of STWE EOOD , which caused significant damage to the company in the amount of BGN 8,400, and he was acquitted of the crime under Article 220, paragraph 1 of the Criminal Code.

With **Decision No. 50176/17.01.2023 in cassational criminal case No. 673/2022**, the Supreme Court annuls the decision of the Court of Appeal – Plovdiv in the civil-criminal part, and instead rejects the civil claim brought by the trading company for the amount of BGN 8,400 against the defendant B.A. D. and upheld the decision in the remainder

4. Criminal case No 869/2021

With Decision No. 60163/22.03.2023 on cassation criminal case No. 869/2021, the Supreme Court upholds the verdict in appellate public criminal case No. 3630/2019 of the Sofia City Court, which annulled the verdict in public criminal case No. 8746/2014 of the Sofia City Court district court, as the criminal proceedings brought against the defendant B.S. for a crime under Article 220, paragraph 1 in connection with Article 26, paragraph 1 of the Criminal Code have been terminated due to the expiration of the statute of limitations provided for in the law. part, and instead the defendant B.S. was sentenced to pay the civil claimant compensation for property damage suffered as a result of tort in the amount of BGN 115,400.

Crime under Article 242, paragraph 4 in conjunction with paragraph 1, "c" of the Criminal Code – 2 cases

1. Criminal case No 855/2022 was initiated on the protest and complaint of V. F. R. against the verdict in appellate public criminal case No. 548/2022 of the Court of Appeal – Plovdiv. With a judgement in public criminal case No. 515/2020 of the District Court – Haskovo, the defendants R. G. and V. R. are found guilty of committing a crime under Article 242, paragraph 4, hypothesis 1 in connection with paragraph 2, hypothesis 1 in connection with Article 20, paragraph 4 (for the defendant G.) and paragraph 2 (for the defendant R.) in relation to Article 55, paragraph 1, point 1 and paragraph 2 of the Criminal Code. R. G. was sentenced to 13 years' imprisonment and a fine of BGN 100 000. V. F. R. were sentenced to 9 years' imprisonment and a fine of BGN 100 000. The defendant G. was acquitted of the charge of having acted as an instigator within the meaning of Article 20(3) of the Criminal Code. With the appellate verdict of the Court of Appeal – Plovdiv, the first-instance verdict was annulled, and the defendant G. was fully acquitted of the charge of a crime under Article 242, paragraph 4, hypothesis 1 in connection with paragraph 2, hypothesis 1 in connection with Article 20, paragraph 4 of the CC, and the defendant R. – for having been assisted by the defendant G. In the remaining part, the sentence is confirmed.

With **Decision No. 89/02.03.2023 in cassational criminal case No. 855/2022**, the Supreme Court amended the verdict in appellate public criminal case No. 548/2022 of the Court of Appeal – Plovdiv in the part by which the defendant V.F. R. was found guilty of committing a crime under Article 242, paragraph 4, hypothesis 1 in connection with paragraph 2 of the Criminal Code, reclassifying his act as one under Article 242, paragraph 2, hypothesis 1 of the Criminal Code and imposing on him the penalties of "deprivation from freedom" for 6 years and a "fine" in the amount of BGN 50,000, leaving the rest of the sentence in force

2. Criminal case No 578/2022

With **Decision No. 50121/24.01.2023 on cassation criminal case No. 578/2022**, the Supreme Court annuls the decision on appellate public criminal case No. 123/2022 of the Court of Appeal – Plovdiv and returns the case for a new consideration by another court panel of the same court from the judicial stage meeting. With the appellate decision of the Court of Appeal – Plovdiv, the verdict in public criminal case No. 518/2020 of the District Court – Haskovo was upheld. The defendant S. Y. was found guilty of committing an offence under Article 242, paragraph 4 in conjunction with Article 20, paragraph 2 of the Criminal Code and was sentenced to 16 years' imprisonment and a fine of BGN 200 000.

Offence under Article 256, paragraph 2 of the Criminal Code – 2 cases

1. Criminal case No. 133/2023 was initiated on the cassation appeal of P. S. K. against the decision on appellate public criminal case No. 1274/2020 of the SAC, which confirmed the verdict on public criminal case No. 873/2018 of the SCC. C. K. was found guilty of an offence under Article 256(2) in conjunction with Article 26(1) of the Criminal Code and was sentenced to three years' imprisonment, suspended for a probationary period of five years. He is deprived of the right to hold office in management and supervisory bodies for 3 years.

With **Decision No. 119/30.03.2023 on cassation criminal case No. 133/2023**, the Supreme Court annuls the decision on appellate public criminal case No. 1274/2020 of the SAC and the judgment confirmed by it on public criminal case No. 873/2018 of the SGS and terminates the criminal proceedings, led to P. Criminal Code for a crime under Article 256, paragraph 2 in conjunction with paragraph 1 of the Criminal Code, due to the expiration of the absolute statute of limitations

2. Criminal case No. 513/2022 was initiated on the appeal of S.M.K. against the verdict in appellate public criminal case No. 232/2020 of the Court of Appeal – Varna. With a verdict in public criminal case No. 57/2017 of the District Court – Razgrad, S. M. K. was found guilty of the fact that in the period 13.08.2010 – 19.05.2012 as the owner and manager of an EOOD under the conditions of a continuing crime and of indirect commission through the manager of an accounting firm who received from the state budget an unaccountable sum of money in particularly large amounts (crime under Article 256, paragraph 2, hypothesis 4 in connection with paragraph 1 in connection with Article 26, paragraph 1 of the Criminal Code), for which they are imposed on him the penalties of "imprisonment" for 3, suspended for a term of 5, confiscation of a part of real estate and deprivation of the right to exercise commercial activity for a term of 3 years. He was also found not guilty of the offence under Article 255(3) in conjunction with Article 26(1)(2), (6) and (7) of the Criminal Code (evasion of the establishment and payment of tax duties in particularly large amounts under the conditions of a continuing offence and of vicarious liability). The appeal judgment annulled the first instance judgment insofar as the defendant was found not guilty and acquitted of the offence under Article 255(3) in conjunction with Article 26(1)(2), (6) and (7) of the Criminal Code, and found guilty of having evaded the establishment and payment of tax obligations in particularly large amounts in the period 08.06.2012 – 12.07.2012, for which he was sentenced to three years' imprisonment. The suspended sentence has been revoked with the new sentence. A single maximum penalty of 3 years' imprisonment was imposed, to which were added the penalties of confiscation and disqualification. The punishment of the sentence was grouped together with the punishment of another sentence of the defendant and a previous conviction of S.M.K. was carried out separately. With the verdict of the appeals court, the sentence of the district court was also amended in the part for the crime under Article 256, paragraph 2, hypothesis 4 in relation to paragraph 1 in relation to Article 26, paragraph 1 of the Criminal Code, as the law for the same punishable offense is applied and the defendant is found not guilty of part of the charge. As regards the remainder, the judgment of the first instance is confirmed.

With **Decision No. 50143/25.01.2023 in cassational criminal case No. 513/2022**, the Supreme Court annuls the verdict of the Court of Appeal – Varna in appellate public criminal case No. 232/2020 in the part with which Article 23 of the Criminal Code is applied, as well as in the part by which S.M.K. was found guilty of committing a crime under 255, paragraph 3 in connection with paragraph 1, point 2, 6 and 7 in connection with Article 26 of the Criminal Code and acquitted him of this charge, leaving in force the appellate judgment in the remaining part

Offence under Article 280(2)(5), last sentence, of the Criminal Code – 1 case

1. Criminal case No 870/2022 was initiated on the complaint of L. D., born in Guinea, against the decision of the SSC – closed in appellate public criminal case No. 131/2021, which amended the verdict of the SSC in public criminal case No. 1574/2016 With it S. D. T., K. K. T. and L. D. were found guilty of the fact that on 04.08.2013 in the area of the village of Novo Hodzhovo, commune. Sandanski, in complicity as accomplices, intentionally facilitated G. G. to commit a crime – an attempt to smuggle across the border of the country with the Republic of Greece a group of people who are not Bulgarian citizens, without the permission of the proper authorities, for which they were sentenced to "imprisonment" of 3 years and "fine" in the amount of 10 000 BGN for each of them. K. K. T. was also found guilty of. Petrich, in a private home, kept ammunition without having the proper permit for them, therefore he was sentenced to 6 months of imprisonment. He was sentenced to a total penalty of 3 years' imprisonment, to which was added a fine of BGN 10 000. With the decision of the Supreme Court of Appeal in appellate public criminal case No. 347/2017, the judgement of the Supreme Court was fully confirmed. With a decision on cassation criminal case No. 659/2020 of the Supreme Court of Appeals, the decision of the Supreme Administrative Court was annulled in the part by which L. T. found guilty of an offence under Article 280(2) in conjunction with Article 18(1) of the Criminal Code. The case is remitted for retrial in the part annulled.

With the now-appealed before the Supreme Court decision in appellate public criminal case No. 131/2021 of the Supreme Administrative Court, the sentence was amended, as L. D., S. D. T. and K. K. T. were found guilty of committing a crime under Article 280, paragraph 2, point 3 and point 5 in conjunction with paragraph 1 in conjunction with Article 18, paragraph 1 of NK for the fact that on 04.08.2013 in the village of Novo Hodzhovo they made an attempt to bring a group of people who are not Bulgarian citizens across the country's

border with the Republic of Greece, and the act remained unfinished for reasons beyond the will of the perpetrators. They were found not guilty of intentionally facilitating, in complicity with others, the deportation of G. G. to carry out the above act, and are therefore acquitted of the charge under Article 20(1) and (4) of the Criminal Code. The SACU reduced the sentences imposed on L. D. from 3 to 1 year, suspended for 3 years, and from BGN 10 000 to BGN 1 000. T. for the offence under Article 280(2)(3) and (5), in conjunction with Article 18(1) of the Criminal Code, from 3 to 1 years' imprisonment and from BGN 10 000 to BGN 1 000. Reduces the amount of the fine imposed on K. K. T. from 3 to 1 year, suspended for 3 years, and the amount of the fine from BGN 10 000 to BGN 1 000. Reduces the amount of the sentences imposed on C. Д. T. from 3 to 2 years' imprisonment, suspended for 4 years, and from BGN 10 000 to BGN 1 000. For the remainder, the judgement is upheld.

With **Decision No. 37/26.01.2023 in cassational criminal case No. 870/2022**, the Supreme Court upholds the decision of the Appellate Specialized Criminal Court in appellate public criminal case No. 131/2021

Crime under Article 282 of the Criminal Code – 4 cases

1. Criminal case No. 953/2023 was initiated as a protest against the verdict in appellate public criminal case No. 241/2023 of the SAC. It annulled the verdict in public criminal case No. 336/2018 of the Sofia District Court, by which the defendant N. S. was found guilty and sentenced on the charge of having committed an offence under Article 282, paragraph 1 of the Criminal Code, and instead N. S. was found not guilty of the charge that in the period from 31.01.2014 to 16.10.2014 in s. Etropole and Pirdop, Sofia Region, in his capacity as an official within the meaning of Article 93, point 1 (b) NC – assistant private bailiff, violated his official duties under Article 37 in connection with Article 19, paragraph 1 by the Ministry of Internal Affairs, having carried out the actions under articles 483, 484 of the Civil Code and under article 496 of the Civil Code, with which actions he carried out the public sale of an independent metal building worth BGN 9,800, without this building being included in the executors' sheets issued by the District Court – Etropole, and on the basis of which enforcement cases were initiated according to the inventory of the State Security Agency, with the aim of obtaining for I.D.K. a benefit in the amount of BGN 9,800, and this could have caused significant harmful consequences for the RPK – Etropole in the amount of BGN 9,800, which is why, on the basis of Article 304 of the Criminal Code, he was acquitted of the charge brought against him under Article 282, paragraph 1 of the Criminal Code.

With Decision No. 459/04.12.2023 on cassational criminal case No. 953/2023 of the Supreme Court, the judgement on appellate public criminal case No. 241/2023 of the Sofia Court of Appeal was upheld.

2. Criminal case No 722/2023

With **Decision No. 466/06.12.2023 in cassational criminal case No. 722/2023**, the Supreme Court annuls the decision in appellate public criminal case No. 1/2023 of the Military Court of Appeal in the part that confirmed the verdict of the Military Court – Sofia in the public criminal case No. 202/2020 in its civil part and returns the case for a new consideration only in its civil part by another panel of the appellate court from the stage of the court session. With the verdict in public criminal case No. 202/2020 of the Military Court – Sofia, the defendant S. G. G. was found not guilty of committing a crime under Article 282, paragraph 1 in connection with Article 26, paragraph 1 of the Criminal Code. The civil action brought against her was also dismissed. The judgment of appeal upheld the first-instance conviction.

3. Criminal case No 383/2023

With **Decision No. 238/30.06.2023 in cassational criminal case No. 383/2023**, the Supreme Court upholds the decision in appellate public criminal case No. 485/2022 of the Court of Appeal – Plovdiv, which confirmed the verdict of the District Court – Haskovo in the public criminal case No. 489/2021. With it, the defendant A. D. A. was found guilty and sentenced for a crime committed by him under Article 282, paragraph 1 in connection with Article 20, paragraph 3 of the Criminal Code and he was sentenced to "probation" with two probationary periods measures lasting 7 months each, being acquitted of his original charge that the act had harmful consequences. A. D. A. was found guilty and sentenced for a crime committed by him under Article 316 in relation to Article 311, paragraph 1 in relation to Article 26, paragraph 1 of the Criminal Code and in relation to Article 55, paragraph 1, item 2, (B), hypothesis 1 Criminal Code, as he was sentenced to "probation" with the same probationary measures for a period of 6 months. On the basis of Article 23(1) of the Criminal Code, the single heaviest penalty is "probation" with both probation measures lasting 7 months. By the same judgment, the defendants J. J., respectively, for offences under Article 282, paragraph 1 in conjunction with Article 20, paragraph 2 of the Criminal Code for the former and under Article 311, paragraph 1 in conjunction with Article 26, paragraph 1 of the Criminal Code for the latter, both of whom were sentenced to probation.

4. Criminal case No. 306/2023 was initiated on a cassation appeal of the defendant I. G. M. – official, police authority – senior police officer of the "Security Police" SDVR, against the appellate verdict in appellate public criminal case No. 611/2022 of the SAC, which annulled the first-instance verdict in public criminal case No. 1245/2020 of the Sofia City Court. By the appeal Judgement, the defendant was found guilty on the original charge under Article 282(1) of the Criminal Code (an official who fails to perform his official duties in order to obtain a benefit for himself), and was sentenced to imprisonment for one year, suspended for three years.

With Decision No. 386/26.10.2023 in cassational criminal case No. 306/2023, the Supreme Court annuls the verdict of the Sofia Court of Appeal in appellate public criminal case No. 611/2022, acquitting I. G. M. of the charge under Article 282, paragraph 1 of the Criminal Code .

Offence under Article 311, paragraph 1 of the Criminal Code – 4 cases

1. Criminal case No. 700/2023 was initiated on a cassation appeal of K. K. V. against the appellate verdict in appellate public criminal case No. 643/2021 of the District Court – Kyustendil, which annulled the verdict of the Regional Court – Kyustendil in the public criminal case No. 1532/2017 in the part by which the defendant was found not guilty and acquitted of committing a crime under Article 311, paragraph 1, hypothesis 1 of the Criminal Code. V. was found guilty of having, on 22.01.2013, at the GKP – Gyueshevo, as an official – senior inspector at the Customs Agency, CP – Gyueshevo, Customs "Southwest", in the scope of his office, drawn up an official document in which he certified false circumstances, in order to use this document as evidence of these circumstances to avoid placing the relevant customs goods under the relevant customs regime. On the basis of Article 311, paragraph 1, hypothesis 1 of the Criminal Code in connection with Articles 36, 37 and 54 of the Criminal Code, he was sentenced to "imprisonment" for 1 year, the execution of which was suspended with a probationary period of 3 years. He is deprived of the right to hold a public office in the Customs Agency for a period of 1 year. The acquittal of the District Court – Kyustendil on the charge against the defendant for the crime committed by him under Article 310, paragraph 1, hypothesis 1 in relation to Article 308, paragraph 1, hypothesis 1 in relation to Article 26, paragraph 1 of the Criminal Code is confirmed.

No final judgement has been handed down to date.

2. Criminal case No 546/2023 was instituted on an appeal by the defendant P. A. K. against the new sentence, handed down in appellate public criminal case No. 764/2022 of the District Court – Burgas. With it, the first-instance verdict of acquittal in public criminal case No. 2930/2021 of the District Court – Burgas and P. K. was found guilty of committing an offence under Article 311 of the Criminal Code in his capacity as an official – head of the Forestry Department of the Municipal Forestry Enterprise – Sozopol – he drew up a total of 22 official documents in the course of his duties, in which he certified false circumstances, in order to use these documents as evidence of the circumstances reflected. He was sentenced to 6 months' imprisonment, suspended for a probationary period of 3 years.

With **Decision No. 345/11.10.2023 in cassational criminal case No. 546/2023**, the Supreme Court upholds the verdict rendered in appellate public criminal case No. 764/2022 of the District Court – Burgas.

3. Criminal case No. 313/2023 was initiated on a cassation appeal of the defendant P. Zh. M. – civil servant, court clerk in the District Court – Vidin, against a judgment pronounced by the Appellate Specialized Criminal Court – closed appeal verdict in appellate public criminal case No. 537/2020, which partially annulled the first-instance verdict in public criminal case No. 4733 /2019 of the SNS – closing With the appellate verdict, the defendant was found guilty of the charge originally brought against her under Article 311, paragraph 1 in connection with Article 26, paragraph 1 in connection with Article 20, paragraph 2 of the Criminal Code (an official who in the circle at her office she drew up an official document in which she certified false circumstances, with the aim of using this document as evidence), and was sentenced to 6 months' imprisonment, suspended for a period of 3 years.

With **Decision No. 315/20.09.2023 on cassational criminal case No. 313/2023** of the Supreme Court, the verdict on appellate public criminal case No. 537/2020 of the Supreme Court of Appeals (closed) is upheld.

4. Criminal case No. 98/2023 was initiated on a cassation appeal against the appellate verdict in appellate public criminal case No. 392/2021 of the District Court – Kyustendil, which annulled the judgement of the Regional Court – Kyustendil in public criminal case No. 1251/2020 in the part, by which the defendant V.M.V. was found guilty of committing a crime under Article 311, paragraph 1 in the conditions of a continuing crime and sentenced to pay the costs incurred in the case. Instead, the defendant was found not guilty in that for the period from 09.10.2017 to 16.11.2017 in a forest area in the land of the village of Bistrice, municipality of Dupnitsa, in the conditions of a continuing crime over a short period of time, in the same situation and with uniformity of guilt, in the scope of his service as an assistant forester, dispatching wood, has drawn up official

documents – electronic transport tickets, in which he certified false circumstances – that a shipment of medium construction timber was made instead of the actual shipment of large construction timber, in order to use these documents as evidence of these circumstances, therefore he was acquitted of the charge brought against him for committing a crime under Article 311, paragraph 1 in relation to Article 26, paragraph 1 of the Criminal Code.

No final judgement has been handed down to date.

Cases involving abuse of office by public officials and offences by non-officials with probable corrupt motive

Offence under Article 167(2)-(4) of the Criminal Code – 1 case

1. Criminal case No. 362/2023 was initiated on a cassation appeal by the defendant J. I. V. against the appellate judgment of the District Court – Blagoevgrad in appellate public criminal case No. 37/2022. With the judgment of the District Court – Blagoevgrad in public criminal case No. 1595/2021 Y. V. was found not guilty and acquitted on the charge brought against her for an offence under Article 167, paragraph 2 of the Criminal Code. The new appeal judgment annulled the first instance judgment in its entirety and instead found the defendant guilty of the offence under Article 167(2) of the Criminal Code. The defendant was sentenced to 11 months' imprisonment, the serving of which was suspended for a probationary period of three years. The court did not impose the cumulative penalties of a fine and deprivation of rights. By the same judgment, the defendant was awarded the equivalent of the missing object of the offence and ordered to pay to the State the sum of BGN 150.

With **Decision No. 329/02.10.2023 on cassation criminal case No. 362/2023** of the Supreme Court, the appellate verdict of the District Court – Blagoevgrad in appellate public criminal case No. 37/2022 was canceled and the case was returned for a new consideration by another panel of the appellate court from stage of the court hearing.

Crime under Article 201 of the Criminal Code – 1 case

1. Criminal case No. 559/2023 was initiated on the request of the convicted L. M.H. for resumption of public criminal case No. 1037/2020 of the District Court – Plovdiv. By the Judgement of the District Court – Plovdiv the defendant L. H. was found guilty of committing an offence under Article 201 of the Criminal Code and was sentenced to 6 months' imprisonment, with execution suspended for a probationary period of 3 years and 6 months. The civil claim for pecuniary damage was also upheld. With a decision on appellate public criminal case No. 37/2022 of the District Court – Plovdiv, the first-instance sentence was amended, reducing the imposed penalty of "imprisonment" to 3 months, and the probationary period was reduced to 3 years.

By **Protocol Order No 415/20.09.2023 of the SCC**, on the basis of Article 423(3) of the CCP, the proceedings for reopening the criminal case were discontinued due to the failure of the convicted person to appear in court and the case was sent to the Court of Appeal – Plovdiv for assessment and possible ruling on the arguments raised under Article 422(1)(5) of the CCP.

Crime under Article 202, paragraph 1, point 1 and point 2 – 1 case

1. Criminal case No. 694/2023 was initiated at the request of the Prosecutor General to reopen private criminal case No. 90/2022 of the Kardzhali District Court. By the decision in the case, the court recognised and accepted for execution in the Republic of Bulgaria, on the basis of Article 12, paragraph 8 of the Act on the Recognition, Enforcement and Sending of Judicial Acts for Imposing Penalties of Imprisonment or of Measures including Imprisonment, the decision rendered on 04.03.2022 by the Three-judge Court of Appeals for Serious Crimes of Thrace – Grade 2a, which entered into force on 21.07.2022, by which M. K. N. for the offence committed by him under the Criminal Code of the Hellenic Republic and Law No. 4251/2014, constituting an offence under Article 281, paragraph 2, item 1 and item 5, in conjunction with paragraph 1 of the Criminal Code of the Hellenic Republic, has imposed a penalty of "imprisonment" for 20 years, and has adjusted, on the basis of Article 13, paragraph 1 of the Act on the Recognition, Enforcement and Sending of Judicial Acts for Imposing Penalties of Imprisonment or of Measures including Imprisonment, the penalty of "imprisonment", determining that the convicted person shall serve 6 years. By the decision, on the basis of Article 12(9) of the Act on the Recognition, Enforcement and Sending of Judicial Acts for Imposing Penalties of Imprisonment or of Measures including Imprisonment, the court deducted from the sentence thus adapted the part of the sentence served and the temporary detention of the convict in the Hellenic Republic for 5 years, 2 months and 20 days, calculated as at 19.09.2022. The decision was not appealed and entered into force on 07.06.2023.

With **Decision No. 381/26.10.2023 on cassation criminal case No. 694/2023**, the Supreme Court reopens private criminal case No. 90/2022 of the District Court – Kardzhali and amends the judgment in the case in the part concerning the application of Article 12(9) of the Act on the Recognition, Enforcement and Sending of Judicial Acts for Imposing Penalties of Imprisonment or of Measures including Imprisonment by taking into account, on the basis of Article 12(9) of the Act on the Recognition, Enforcement and Sending of Judicial Acts for Imposing Penalties of Imprisonment or of Measures including Imprisonment, the served part of the sentence and the temporary detention of the convicted M. K. N. in the Hellenic Republic in the amount of 5 years, 2 months and 20 days, calculated as of 19.09.2022, the part of the sentence served in the period from 20.09.2022 until his actual surrender to the Republic of Bulgaria and deducted for other reasons from the total duration of the sentence of 2 years, 6 months and 29 days.

Offence under Article 203, paragraph 1 of the Criminal Code – 1 case

1. Criminal case No. 167/2023 was initiated on a cassational appeal against the decision on appellate public criminal case No. 49/2022 of the Military Court of Appeal, which upheld the judgement of the Sofia Military Court. With her, the defendant M. I. K.-I. – former head of the Clinic of Dermatology and Venereology at the Military Medical Academy, was found not guilty of the charge brought against her under Article 282, paragraph 3 in connection with paragraph 2, hypothesis 1 and 2 in conjunction with paragraph 1 of the Criminal Code – for the fact that in her capacity as an official occupying a responsible official position exceeded her rights in order to obtain a property benefit for herself or for another, and the act has caused significant harmful consequences and the case is particularly serious. The defendant was also acquitted of embezzling, in her official capacity, other persons' money entrusted to her to manage, the embezzlement being of a particularly large amount and constituting a particularly serious case.

No final judgement has been handed down to date.