

I. Justice system	
	<i>Please provide information, for the purpose of following up on the recommendations received in the 2024 Report, on the measures taken related to the justice system (if applicable):</i>
I.1.	<p>Take steps to adapt the relevant legal framework to avoid the long-term secondment of judges to fill vacant posts, taking into account European standards on secondment of judges.</p> <p>The Ministry of Justice (MoJ) has formed yet another working group, which has been tasked to propose amendments to the current Judiciary Act (JA) in the part concerning the secondment of judges. The representatives of the Supreme Court of Cassation (SCC) in this working group have consistently over the last 2 years, including in previous working groups which were assigned a similar task, maintained that secondments should be limited to 1 year without the right to a subsequent secondment in the following 2 years, except in case of necessity. These proposals have been taken into account in the drafting of the new Staff Regulations Act and there is no obstacle to their being submitted to the National Assembly, subject to good organisation and political will, following the procedure under the Statutory Instruments Act (SAA). However, the change in the regulations of the JA in this part should be linked to a change in the regulations for conducting promotion competitions, since the excessive duration of competitions under the current regulations, as well as their inconsistent planning and the excessive duration of the appeal procedure, necessarily requires prolonged secondment, without which the work of the SCC would be practically blocked..</p> <p>It should be noted that the SCC has established the rule that judges participating in the current competition for promotion to the Supreme Court of Cassation may not be seconded during a pending competition.</p> <p>In 2024, the draft Rules on the secondment of judges to the SCC was not presented to the attention of the Plenum of the Court for discussion and adoption precisely because a detailed regulation of the institute of secondment of magistrates was envisaged as part of the content of the draft law for a new Judiciary Act, prepared by an inter-ministerial working group on the initiative of the MoJ after the entry into force of the amendments to the Constitution of the Republic of Bulgaria at the end of 2023, affecting the judiciary. In this draft, Chapter Thirteen “Secondment of judges, prosecutors and investigators to another judicial authority, to institutions of the European Union and to international organisations” was created, the provisions of which stipulate that a judge may be seconded to another judicial authority, if necessary, for a total period not exceeding 12 months with his prior written consent. In exceptional cases, he may be seconded without his consent for a period of up to three months. After the expiry of his secondment, the judge may not be seconded again to the same judicial authority for two years with his prior agreement. The Supreme Judicial Council shall terminate the secondment if the specified period of 12 months is exceeded and if the specified period of 2 years is not complied with. The seconded judge shall have the required rank for the post for which he is seconded. The secondment shall be agreed with his immediate superior and with the division of the court to which he is seconded. Where no divisions are formed in the court, the secondment shall be agreed with the general assembly of the court</p> <p>Following the decision of the Constitutional Court in Constitutional Case No. 1/2024 to declare some of the amendments to the Constitution unconstitutional, in August 2024 the MoJ initiated the establishment of a new working group for the preparation of a draft Law on Amendments and Additions to the JA (the Amending and Supplementing Act (ASA) on the JA), which includes judges from both the SCC and other courts in the country. In the ASA on the JA published on 20.12.2024 on the website of the MoJ for public discussion, the independent regulation of the matter of secondment in a separate chapter, as was envisaged in the draft law on the new JA, was not adopted, but only amendments and additions to the existing regulation (mainly focused in Art. 227 of the JA), which are in several main directions: it is provided that the secondment of a vacant staff post, in exception to the rule for the duration of the secondment not exceeding 12 months and for the uniqueness of the secondment to the same judicial authority, shall be until the completion of the competition for filling the post; the secondment of a judge shall also be coordinated with the division</p>

	<p>of the court to which he is seconded, and where there are no formed divisions in the court, the secondment shall be coordinated with the general assembly of the court; every six months, the administrative head of the body to which the judge is seconded shall assess the need for secondment following an opinion of the division of the court (or, as the case may be, of the general assembly) on the need for continuation of the secondment and on the professional qualities of the judge seconded.</p> <p>Against the backdrop of the still pending procedure for drafting ASA on JA, which should also include provisions on the institute of secondment, the information published on the website of the SJC <u>Register of the seconded magistrates from the courts as of 30.11.2024</u> shows that as of that date a total of 196 judges have been seconded. Five of them have been seconded to international institutions, two - to the National Institute of Justice and the rest - to judicial authorities. The secondments of judges to the Sofia Court of Appeal lasted the longest - 120 months, 105 months and 81 months.</p>
I.2.	<p>Progress on draft legislative amendments aimed at improving the functioning of the Inspectorate of the Supreme Judicial Council and avoiding the risk of political influence, in particular by involving the judiciary in the selection of its members.</p> <p>Another working group has been formed at the Ministry of Justice, which has been tasked with proposing amendments to the current JA on the Election of Members of the ISJC. The representatives of the SCC in this working group have consistently over the last two years, including in previous working groups which were assigned a similar task, maintained that the General Assembly of SCC judges, as well as the General Assembly of SAC judges, should participate in the selection of the members of the ISJC, as well as of the Inspector General, by nominating candidates on the basis of proposals from the courts, to be considered by the MPs in the ratio provided for in the JA. These proposals have been taken into account in the drafting of the new JA and there is no obstacle to their being submitted to the National Assembly after the procedure under the Law on Statutory Acts, if well organised and if there is political will.</p>
I.3.	<p>Advance work on plans to adopt a mechanism to introduce safeguards regarding the procedure for appointing the members of the Supreme Prosecutorial Council elected by the National Assembly, in order to guarantee their independence and take into account European standards, especially with regard to the role of the Council in the appointment and dismissal of the Prosecutor General.</p>
	A. Independence
1.	<p>Appointment and selection of judges¹, prosecutors and court presidents (including judicial review)</p> <p>Lack of respect for the rule of law and for the independence of the courts was demonstrated in late 2024 and early 2025 in numerous statements made by representatives of state institutions and politicians on the occasion of the <u>final judgment of the Supreme Court of Cassation</u> on the entry in the Register of Religions of the Sofia City Court of a religious institution called “Bulgarian Orthodox Old-Style Church”</p> <p>It should be noted that <u>Decision No. 214/16.12.2024</u> in Case No. 563/2023 of the SCC was rendered in compliance with the decision of 20.04.2021 of the European Court of Human Rights in the case “Bulgarian Orthodox Old Church et al. v. Bulgaria” (appeal 56751/2013), as well as with the provisions of the reasoning to the decisions of the Constitutional Court of the Republic of Bulgaria No. 5/11.07.in case No. 11/1992 and No. 12/15.07.2003 in case No. 3/2003, i.e. the Supreme Court of Cassation became the object of public attacks by politicians and representatives of state institutions because of the implementation of a decision of the European Court of Human Rights.</p>

¹ The reference to "judges" refers to judges at all levels and types of courts, as well as judges in constitutional courts.

	<p>In terms of the staffing of the Supreme Court of Cassation, the trend in 2024 is towards a deepening of the problem - at the end of the year, with a staff of 122 judges, only 93 judgeships are filled (the number includes the president of the court)</p> <p>Civil Chamber: As of 31.12.2024 there are 56 judges in the Civil Chamber of the SCC, including 38 titular judges and 18 judges on secondment. In 2024, one judge retired and the legal relationship with another judge was terminated by his death. By decision of the Judicial Collegium of the SJC in Protocol No 43/19.11.2024, the competition for filling 13 posts of “judge” in the Civil Collegium of the SCC announced in 2023 was finalised, appointing 13 judges to the Civil Collegium of the SCC, of whom 12 judges are seconded to that Collegium. The appointed judges have not taken up their duties, as the decision of the SCC Judges' Collegium has not been granted provisional execution, it has been challenged in court, and the appeal suspends its execution. Due to the fact that the preliminary execution of the decision of the Judicial College was not allowed and it has not entered into force, in view of the need to take measures to ensure the work of the Civil College in the consideration and resolution of civil cases until the vacant positions are filled, as well as in view of the excellent knowledge of legal matters and judicial practice, excellent organization and precision in work shown by the seconded judges, by orders of the President of the SCC of November 2024, the secondment of six judges to the Civil College of the SCC was extended until the need for secondment ceases.</p> <p>Commercial Chamber: as of 31.12.2024 there are 31 judges in the Commercial Chamber of the SCC, of which 24 are titular judges and 7 are seconded judges.</p> <p>Criminal Chamber: After the entry into office on 02.01.2024 of six judges in accordance with the decision of the Judicial Collegium of the SJC under Protocol No. 41/12.12.2023 (for the finalization of the competition announced in 2022), and subsequently of three more judges on the basis of Article 193, paragraph 6 of the Law on Criminal Procedure, at the end of 2024 the number of judges in the Criminal Chamber of the SCC will be 31, including 30 titular judges and 1 seconded judge. The legal relationship with one judge of the Criminal Division was terminated due to his election and taking office as a judge of the Constitutional Court of the Republic of Bulgaria. The term of office of one Judge of the Criminal Division was terminated by his death.</p>
2.	<p>Non-removability of judges; including transfers (incl. as part of the reform of the judicial map), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)</p> <p>Information from the SCC on this issue is set out in paragraph 1.</p>
3.	<p>Promotion of judges and prosecutors (including judicial review)</p> <p>The Supreme Court of Cassation has consistently maintained over the last two years, including in discussions in the current MoJ working group, that the procedure for conducting promotional competitions needs to be changed in a way that improves the efficiency of selection as well as reducing the time taken to conduct competitions. Our proposals relate to the importance of the pre-competition appraisal procedure, as well as the opinion of the general assemblies of the courts and the need to establish a so-called Appointments Tribunal, namely a mixed five-member panel of judges from the SCC and the SAC, to be formed for each appeal as a greater guarantee of objectivity and speed in appealing the outcome of the competition procedure. Some of these proposals have been adopted and taken into account in the drafting of the new JA and there is no obstacle to their being submitted to the National Assembly as soon as possible after the procedure under the Law on Statutory Acts, if well organised and if there is political will.</p>
4.	Distribution of cases in the courts
5.	Independence (including composition and appointment and dismissal of its members) and powers of the body charged with protecting the independence of the judiciary (e.g. the Judicial Council)
6.	<p>Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (including judicial review)</p> <p>The Supreme Court of Cassation and Justice has consistently and consistently held in its case law that the liability of the Prosecutor's Office as a procedural substitute of the State is a guarantee-</p>

	<p>indemnity liability arising from the provision of Article 49 of the Obligations and Contracts Act (OCA). The functional immunity of magistrates (judges, prosecutors and investigators) established by the provision of Article 132 of the Constitution of the Republic of Bulgaria for the normal exercise of the administration of justice excludes the possibility of holding them criminally and civilly liable in the exercise of judicial power - for their official acts and for the acts they have rendered, unless the act committed is a deliberate offence of a general nature. The existence of this functional immunity, which excludes the civil (tort, pecuniary) liability of magistrates, does not, however, exclude the unlawfulness of their acts and omissions, nor does it constitute an obstacle to the application of the liability of the Public Prosecutor's Office under Article 49 of the Law on Guarantee and Indemnity. The functional immunity of individual prosecutors, regulated by Article 132 of the OCA, does not exclude the liability of the State for damages when they are causally related to the failure to perform duties imposed by law (Decision No. 50051/12.06.2024 on civil case No. 1822/2022 of the Supreme Court of Cassation, II Civil Division; Decision No. 4338/01.10.2024 on private civil case No. 2529/2024 of the Supreme Court of Cassation, I Civil Division). In the presence of functional immunity, a claim under Article 45 of the Civil Procedure Act against a magistrate is procedurally inadmissible, but this does not exclude liability of courts and other judicial authorities for their unlawful acts and omissions from which damage has resulted. The specifically regulated hypotheses of such liability are in the case of unreasonable time in the handling of cases under Article 2b of the Liability of the State and Municipalities for Damages Act (LSMDA) and in the case of violation of the European Union law under Article 2c of the LSMDA. Outside these situations regulated in the LSMDA, the courts are liable for damages resulting from incorrect acts which have entered into force, where the incorrectness has been previously established in due order and the act has been annulled. The State cannot be held liable through the courts for any enactment which a party considers unlawful, since the correctness of judicial acts is subject to review in appeal proceedings. In order for liability to arise, it is necessary that the illegality (incorrectness) of the final act has been established by one of the means provided for in the procedural laws - by the procedure of out-of-court proceedings for revocation of final decisions, which are regulated both in the Civil Procedure Code and in the Administrative procedural code (Ruling No. 403/30.01.2024 on private civil case No. 68/2024 of the Supreme Court of Cassation, II Civil Department).</p>
	II. Anti-Corruption Framework
	<i>In order to follow up on the recommendations received in the 2024 Report, please provide information on the measures taken related to the anti-corruption framework (if applicable).</i>
	C. Retaliation
28.	<p>Official data on the number of investigations, pre-trials and final convictions for corruption offences (possibly grouped by type of offence)². Please indicate whether the cases: concern legal persons; relate to the absorption of EU or national funds³; involve high-level corruption. Please indicate which data are publicly available and how policy makers are informed about the data.</p> <p>The total number of corruption criminal cases (with the subject matter of crimes included in Annexes No. 1 and No. 2 to <u>Order No. 777/18.10.2022</u> of the President of the SCC, amended by <u>Order No. 109/14.02.2024</u>) pending before the Supreme Court of Cassation in 2024 is 30. Of these, 5 are proceedings against persons holding senior public positions (under Article 6 of the Law on Combating Corruption).</p> <p>The total number of criminal cases for corruption offences decided by the Supreme Court of Cassation in 2024 (including proceedings initiated in previous years) is 38. Of these, 5 are against persons holding senior public positions.</p>

² Please include, if available (for 2022 or latest available) data: indictments; first-instance convictions, first-instance acquittals; final convictions; final acquittals; other outcomes (final) (item.(i.e. excluding convictions and acquittals); cases sentenced (final); custodial sentences/imprisonment by final sentences; suspended custodial sentences with final sentence; cases pending at the end of the reporting year.

³ For Member States participating in the European Public Prosecutor's Office, data on cases involving EU funds do not include investigations and prosecutions carried out by the European Public Prosecutor's Office.

	<p>The cases of corruption offences, the movement of which in 2024 is tracked in the attached list with detailed information, are 49 in total, initiated in 2024 and in previous years, 9 of them against persons holding senior public positions - three mayors of municipalities, a municipal councillor, the chief architect of a municipality, a judge, a prosecutor, a director of an intelligence service and a director of a company.</p> <p>And in 2024. The Supreme Court of Cassation and Justice continues to fulfil its commitment to ensure the fair and accurate tracking of cases involving corrupt conduct and practices, with a clear distinction between proceedings involving defendants holding senior public office (so-called high-level corruption cases), proceedings related to organised crime, and those against journalists and the media.</p> <p>On the SCC website, in the section “Judicial Practice”, there are sections “<u>Cases for Corruption Crimes</u>”, “<u>Cases for Organized Crime</u>” and “<u>Register of Cases against Journalists and Media</u>”, where every quarter the current lists of cases of the monitored type are published both in the SCC and in the courts of appeal districts. The judgments handed down by SCC chambers in these proceedings are also published among their announcements.</p> <p>The “Judicial Practice” section of the SCC website, section “<u>Notifications for Investigation of the Prosecutor General or his Deputy</u>”, also maintains up-to-date information on the notifications received by the Head of the Criminal Chamber of the SCC under Chapter Thirty-one “a” of the CPC for investigation of crimes of a general nature committed by the Prosecutor General or his Deputy. <u>A list of notifications received in 2024</u> is also published on the website of the Supreme Court of Cassation.</p>
31.	<i>Other - please specify</i>
	III. Media freedom and media pluralism
	B. Guarantees against state or political interference and transparency and concentration of media ownership
	C. Framework for the protection of journalists, transparency and access to documents
40.	<p>Court cases (incl. SLPAPP - strategic legal proceedings against public participation) and convictions against journalists (including defamation cases) and measures taken to defend against manifestly unfounded and unjustified claims</p> <p>In July 2024, by order of the Minister of Justice, a working group was set up with the task of drafting, by 30.07.2025, proposals for changes to the national legislation in order to bring it into line with Directive (EU) 2024/1069 of the European Parliament and of the Council of 11 April 2024 on the protection of persons involved in public participation against manifestly unfounded claims or abusive legal proceedings (“strategic litigation against public participation”/SLPAPP). Representatives of the SCC are also involved in the Working Group and have prepared a relevant opinion with concrete proposals based on the work of a previous Working Group which was established under the MoJ before the Directive was introduced. The new points in the Directive, which were not taken into account for objective reasons by the previous working group, necessitate a refinement of the proposals already made for specific provisions relating to proceedings against journalists and public figures dealt with by the ordinary courts.</p> <p>And in 2024 the SCC has consistently held in its case law that journalists are not obliged to disclose their source of information and this right is explicitly regulated in Article 15(2) of the Broadcasting Act. In the court proceedings under Article 45 and Article 49 of the OCA, it is sufficient to prove that such a source exists and that the journalist has carried out a good faith verification of the reliability of the information, and a good faith verification is present when the information has been verified by at least two independent sources (Decision No. 309/27.05.2024 in civil case No. 1202/2023 of the Supreme Court of Cassation, 1st Civil Division). The Supreme Court of Cassation adheres to the criteria already established, according to which the freedom of speech under Article 39, para. 1 and Art. 41 par. 1 of the Constitution of the Republic of Bulgaria must be exercised in due balance with the right to dignity and good name of the person enshrined</p>

in Article 32, paragraph 1, of the Constitution of the Republic of Bulgaria. 1 of the Constitution, whereby it is necessary to assess whether the statements made in the public domain are within the lawful exercise of freedom of speech, i.e. whether they can be qualified as insult and defamation; whether they contain false allegations and suggestions and whether they merely convey the opinion of the person making the statements. Only if the boundaries thus established are crossed, the liability of journalists for damage caused may be engaged (Ruling No. 3161/21.06.2024 on civil case No. 4462/2023 of the II Civil Division of the Supreme Court of Cassation and the practice of the Supreme Court of Cassation referred to therein; Ruling No. 3432/03.07.2024 on civil case No. 3278/2023 of the Supreme Court of Cassation, I Civil Division).

It is also important to note that the number of cases initiated before the Civil Chamber of the SCC in 2024 against journalists and public figures is relatively small - by the end of the third quarter of the year, 18 cases had been initiated, 6 of which have already been concluded with a final court decision

A detailed overview of the cases against journalists and public figures in can be found in the Register of cases against journalists and media maintained on the SCC website. It also publishes the judgments handed down by the chambers of the Supreme Court of Cassation in this type of cases.