

Information from the Inspectorate to the Supreme Judicial Council (ISJC) on the recommendation: “Achieving progress on the draft legislative amendments aimed at improving the functioning of the Inspectorate to the Supreme Judicial Council and avoiding the risk of political influence, in particular by involving the judicial authorities in the selection of its members”

In implementation of the recommendation “Achieving progress on the draft legislative amendments aimed at improving the functioning of the Inspectorate to the Supreme Judicial Council and avoiding the risk of political influence, in particular by involving the judicial authorities in the selection of its members,” the following measures were undertaken in 2025.

In 2025, a working group established by Order Reg. No. LS-13-112/24.09.2024 of the Minister of Justice (amended by his Orders No. LS-13-124/21.10.2024 and No. LS-13-131/31.10.2024) for the preparation of a draft Law amending and supplementing the Judiciary Act, with the aim of ensuring compliance with the Law amending and supplementing the Constitution of the Republic of Bulgaria (promulgated in the State Gazette, issue No. 106 of 2023) and Decision No. 13 of 26 July 2024 on Constitutional Case No. 1/2024, in which representatives of the ISJC also participated, completed its work on drafting the bill.

The draft included proposals for amendments to the regulatory framework repeatedly advocated by the ISJC, the most significant of which is related to the procedure for nominating candidates for Chief Inspector and Inspectors and their election (Article 44 of the Judiciary Act), and stems from recommendations contained in a number of reports of the European Commission on the rule of law, including the 2025 Report, as well as those expressed by the Venice Commission, for “achieving progress on legislative amendments aimed at improving the functioning of the ISJC and avoiding the risk of political influence, in particular by involving the judicial authorities in the selection of its members.” According to our concept, which was adopted by the working group, the judicial authorities should nominate 6 candidates for Chief Inspector and 30 candidates for Inspectors, with the General Assembly of Judges of the Supreme Court of Cassation and the Supreme Administrative Court submitting to the National Assembly 3 candidates for Chief Inspector and 21 candidates for Inspectors, and the General Assembly of Prosecutors of the Supreme Prosecutor’s Office and the investigators of the National Investigation Service submitting 3 candidates for Chief Inspector and 9 candidates for Inspectors, selected by secret ballot from among the nominated candidates. Our proposal for a sixfold higher number of candidates for Chief Inspector and a threefold higher number of candidates for Inspectors from the judicial authorities was driven by the need for Members of Parliament to have a greater scope of choice when electing the members of the Inspectorate, and to select those who most fully meet the requirements for holding the position. In this way, on the one hand, the independence of the ISJC will be largely guaranteed by avoiding the risk of political influence, and on the other hand, the institutional capacity of the Inspectorate will be strengthened.

Alongside the idea outlined above concerning the selection of the members of the Inspectorate, we also proposed the refinement of certain powers of the body aimed at improving its functioning, related to:

- the verification of asset declarations of judges, prosecutors, and investigators, with the aim of:
 - harmonising the circumstances subject to declaration in the asset and interest declarations submitted by magistrates to the Inspectorate to the Supreme Judicial Council (ISJC) with those in the declarations submitted by other persons holding public office, as regulated in the Anti-Corruption Act (ACA);
 - harmonising the thresholds for declaration and for establishing discrepancies with those regulated in the ACA;
 - abolishing the obligation for persons who have lost the status of judge, prosecutor, or investigator to submit an asset and interest declaration within one month after the expiry of one year from the loss of the respective status (Article 175v, paragraph 1, item 4 of the Judiciary Act), in line with the regulation provided for in the ACA (Article 52, paragraph 1);
- the integrity and conflict-of-interest checks of judges, prosecutors, and investigators, as well as checks for establishing actions that undermine the prestige of the judiciary and actions related to violations of the independence of judges, prosecutors, and investigators, by amending and supplementing Article 175k of the Judiciary Act so as to refine the definitions of integrity violations subject to the checks under Chapter Nine, Section Ib of the Judiciary Act, in order to achieve greater clarity with regard to the elements of the violations;
- the examination of applications alleging violations of the right to have a case examined and decided within a reasonable time, by amending and supplementing paragraphs 4 and 5 of Article 60v of the Judiciary Act, which are intended to regulate in greater detail the procedure for notifying applicants of irregularities in applications concerning delayed justice examined under Chapter Three “a” of the Judiciary Act, following the model of the procedure for notifying magistrates to remedy identified inconsistencies in asset declarations (Article 175zh, paragraph 2 of the Judiciary Act).

All of the above ideas were adopted by the working group, and the draft Law amending and supplementing the Judiciary Act prepared by it was published on 19 December 2024 for public consultations, with a deadline of 8 January 2025, on the websites of the Ministry of Justice and the Public Consultation Portal at the following addresses:
<https://justice.government.bg/home/index/9a1c0da6-6c6d-4148-81e2-afabbed5ff3d>
<https://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=8785>

The ISJC expressed its opinion on the draft law, which was adopted at a meeting of the body held on 06 January 2025. The opinion was published on the ISJC website at the following address:
<http://www.inspectoratvss.bg/bg/pubs/482?tip=0>

However, the draft law was not submitted by the Minister of Justice for discussion and adoption by the Council of Ministers.

Meanwhile, on 11 September 2025, a group of Members of Parliament submitted a draft law amending and supplementing the Judiciary Act. It provides for the inclusion of the judicial authorities in the procedure for the election of the Chief Inspector and the Inspectors, for which the Inspectorate has repeatedly put forward proposals for amendments to the Judiciary Act. On 19 September 2025, the ISJC adopted an opinion on this draft law, published on the ISJC website at the following address:

<https://www.inspectoratvss.bg/bg/pubs/493?tip=0>

Through this opinion, the Inspectorate supported the inclusion of the judicial authorities in the procedure for the election of the Chief Inspector and the Inspectors, but expressed concerns that the draft law does not achieve the objectives declared therein with regard to the implementation of the recommendations contained in the European Commission's Rule of Law Reports from 2020 to the present, including the 2025 Report, as well as those expressed by the Venice Commission for "...achieving progress on legislative amendments aimed at improving the functioning of the ISJC and avoiding the risk of political influence." More specifically, the draft law does not reflect the idea adopted also by the professional community in the framework of the discussions of the above-mentioned working group on amendments to the Judiciary Act, namely that more than half of the members of the Inspectorate (the Chief Inspector and the Inspectors) should be persons proposed by the judicial authorities. In our view, however, only legislative amendments and supplements in this direction would meet the recommendations of the European Commission for improving the functioning of the Inspectorate to the Supreme Judicial Council and avoiding the risk of political influence, in particular through the inclusion of the judicial authorities in the selection of its members, although their absence at this stage does not prevent the ISJC from continuing to fulfil its statutory obligations in accordance with the provisions of the Constitution of the Republic of Bulgaria and the Judiciary Act.

Furthermore, as an expression of the ISJC's efforts to improve the institutional framework, by a decision of the Inspectorate of 08 December 2025 amendments and supplements were adopted to the Rules on the Organisation of the Activities of the Inspectorate to the Supreme Judicial Council and on the Activities of the Administration and the Experts (ROAISJCAE), aligned with the amendments to the Judiciary Act concerning the powers of the institution, promulgated in the State Gazette, issue No. 84 of 06 October 2023. The amendments to the Judiciary Act were aimed at implementing the measure "Strengthening the role of the Inspectorate to the Supreme Judicial Council for the prevention of and counteraction to corruption in the judiciary (Q4/2022)", laid down under Reform 2: "Anti-corruption" of the National Recovery and Resilience Plan of the Republic of Bulgaria (NRRP), with a view to strengthening the role and capacity of the Inspectorate for the prevention of and counteraction to corruption in the judiciary. It was envisaged that the Inspectorate organises and conducts anti-corruption training, as well as training on integrity and conflict of interest, adopts a template for reporting on the completion of cases and files, analyses the results of completed cases and files, and introduces a procedure for regular reporting and publication of this analysis. It was also regulated that good and bad practices with regard to compliance with ethical rules are summarised on an annual basis.

in accordance with the relevant European and international standards in relation to integrity checks. With the adopted amendments to the Rules on the Organisation of the Activities of the Inspectorate to the Supreme Judicial Council and on the Activities of the Administration and the Experts (ROAISJCAE), the above-mentioned powers were also regulated at secondary legislation level, which is consistent with the established approach so far with regard to the normative regulation of the powers of the Inspectorate. Further amendments were also made to the ROAISJCAE with the aim of optimising, increasing the efficiency and enhancing the transparency of the institution's work in carrying out inspections – scheduled inspections, inspections based on signals under Article 54, paragraph 1, items 1–3 of the Judiciary Act, inspections related to violations of integrity and infringements of the independence of magistrates, and actions and omissions that undermine the prestige of the judiciary, inspections of magistrates' asset declarations, as well as proceedings related to the application of Regulation (EU) 2016/679 and the Personal Data Protection Act.

The adopted amendments and supplements to the Rules on the Organisation of the Activities of the Inspectorate to the Supreme Judicial Council and on the Activities of the Administration and the Experts were promulgated in the State Gazette, issue No. 112 of 19 December 2025, and entered into force on 23 December 2025. The Rules with the adopted amendments and supplements were published on the ISJC website at the following address: <https://www.inspectoratvss.bg/bg/page/154>

In addition, by a decision of the ISJC of 08 December 2025, amendments and supplements were adopted to the Internal Rules for carrying out inspections of the asset declarations of judges, prosecutors, and investigators by the Inspectorate to the Supreme Judicial Council. The adopted amendments and supplements to the Internal Rules were aligned with the amendments and supplements to the ROAISJCAE in the part concerning inspections of magistrates' asset declarations, as well as with the provision of Article 58g, paragraph 11 of the Administrative Violations and Sanctions Act (AVSA), which regulates the legal effects of agreements that have entered into force under Article 58 of the AVSA. The regulation governing the conduct of inspections of magistrates' asset declarations was refined in order to ensure uniform and consistent interpretation and application of the established rules, through editorial amendments to the sections on primary and additional inspections of declarations, deriving from the nine-year practice in exercising these control powers by the ISJC. It was also provided that the electronic public register of final penalty decrees, which the ISJC is obliged to keep and maintain pursuant to Article 175g, paragraph 1, item 2 of the Judiciary Act, should also include agreements that have entered into force for the termination of administrative penal proceedings under Article 58g of the AVSA, in view of the provision of Article 58g, paragraph 11 of the AVSA, according to which the agreement is final and has the effects of a final penalty decree. The Internal Rules with the adopted amendments and supplements were published on the ISJC website at the following address:

<https://www.inspectoratvss.bg/bg/page/126>

Finally, in connection with the introduction of the euro as the monetary unit of the Republic of Bulgaria as of 01 January 2026, by an order of 01 December 2025 of the Chief Inspector of the ISJC, a new template of the asset declarations under Article 175a, paragraph 1,

items 1 and 2 of the Judiciary Act and guidelines for their completion and submission were approved, in compliance with the requirements of the Act on the Introduction of the Euro in the Republic of Bulgaria. The new declaration template and the guidelines were published on the ISJC website at the following address:

<https://www.inspectoratvss.bg/bg/page/196>