



Supreme Judicial Council
Republic of Bulgaria

Висш съдебен съвет
Република България

Pre-defined project No. 2 “Support to the Supreme Judicial Council related to capacity building and improving the efficiency of the judiciary” within programme area 31 „Judicial capacity-building and cooperation” of the Norwegian Financial Mechanism

Programme operator: Ministry of Justice

Beneficiary: Supreme Judicial Council

- **Project duration:** 30 months
- **Project budget:** EUR 785,000
- **Target groups of the project:**
 - Judiciary, executive and legislative authorities
 - Magistrates
 - Court employees
 - Civil society

- **Main objectives of the project:**

1. An effective e-summoning system introduced according to the provisions of the Electronic Management Act.

2. The capacity of the members of the Bulgarian judiciary to comply with and implement the provisions of the European Convention on Human Rights and its case law increased

3. A network of judges specialised in human rights.

4. A mechanism for quality assessment of the workload in the judicial system both at the individual level and the institutional level focusing on qualitative indicators and benchmarks developed

Activities vis-à-vis Objective 1: An effective e-summoning system introduced according to the provisions of the Electronic Management Act.

Activity 1 - Study visit and Comparative study of the experience and good practices in CE Member States and the existing legislation in the Republic of Bulgaria in the area of electronic summoning (report-analysis) and initiating proposal for legislative changes.

For the implementation of this activity one study visit to the Council of Europe is envisaged with the participation of experts from the SJC and the CE, aimed at studying the good practices in e-summoning in EU and EEA Member States, as well as providing assistance in selecting a country with a similar to the Bulgarian judiciary system with which contacts will be established and experts will be invited for sharing their experience (at a workshop) (e.g. Estonia). The study visit will serve as a basis for making a comparative analysis of the legislation in this field and a practical use of the legal

possibilities. The analysis, in turn, will identify the impediments in the existing Bulgarian legal framework and will create the framework of the proposal for legislative amendments.

After completing the study visit, a Manual of good practices will be drawn up, which will be used by all employees of the SJC.

Activity 2 - Round table for introducing the Comparative study, the Proposals for legislation changes to the magistrates

Participants in the round table will be representatives of the judiciary, the executive and the legislature, experts from the CE, the bar, journalists, the NGO sector, stakeholders. The outcomes of Activity 1 and Activity 2 on this component will be presented and the draft proposal for legislative changes will be discussed at the round table. The result of the round table will be the design of a final version of a proposal for legislative changes.

Activity 3 - Delivery and installation of hardware and basic software, needed for the upgrade of the existing case file management systems with the purpose of sending electronic summons by the programmes themselves.

This activity aims to ensure compliance with the requirements for information security, the e-mails to be sent by office email whose servicing mail server (at present provided by the Bulgarian Ministry of Transport, Information Technologies and Communications), in case of a potential dispute as to the validity of summoning, will provide opportunity for using the recordings in the log files as electronic evidence.

The possibility to procure a server, software and disk database will contribute to the sustainability of the existing e-summoning system in the context of the CPC.

If the legislative changes on activity 3 are adopted, the available hardware will be furthermore used for sending electronic summons in the penal and administrative processes.

Outcomes vis-a-vis Objective 1: An effective e-summoning system introduced according to the provisions of the Electronic Management Act.

- Best practice Manual for e-summoning encompassing the experience of EU and EEA Member States developed;
- A framework proposal for legislation amendments aimed at introducing e-summoning in the penal and administrative processes developed;
- A comparative analysis of the legislation as regards e-summoning developed;
- Increased capacity of representatives of the judiciary – magistrates and court employees;
- A round table for presenting the outcomes of Activity 1 and Activity 2 conducted;
- A final draft of a proposal for legislation changes drafted;
- Increased information exchange amongst all stakeholders.
- Hardware (a server and disk database) and basic software delivered and installed for upgrade of existing case file management systems, adding functionality for sending of e-summons by the programmes themselves
- Sustainability and applicability of the established statutory possibility for electronic sending of summons and communications.

Activities vis-à-vis Objective 2: The capacity of the members of the Bulgarian judiciary to comply with and implement the provisions of the European Convention on Human Rights and its case law increased and vis-à-vis Objective 3: A network of judges specialised in human rights

Activity 1 – Gathering of applications, evaluation and ranking of judges

An advertisement is to be published on the website of the SJC for selection of appropriate applicants for secondment to the Court of Human Rights in Strasbourg. A methodology for selection and evaluation of the candidates will be designed, setting out the requirements for professional experience, qualification and competences. The activity aims to select highly qualified professionals with high language proficiency, to be seconded to work at the European Court of Human Rights and who will participate in the creation of an internal network for information exchange amongst judges in Bulgaria on human rights related issues.

Activity 2 – Secondment of judges to work at the European Court of Human Rights.

Within the project, 9 Bulgarian judges will be seconded, who will be the core of an internal network for information exchange amongst judges in Bulgaria on issues relating to the work of the European Court of Human Rights and most often lodged applications against our country. Every judge will stay there for a maximum term of 12 months.

The first 3 candidates will start work at the European Court of Human Rights in the first months of the project launch. The duration of their training will be about 3 months and after that they will be able to fulfil their duties independently as legal secretaries at the Registrar of the ECtHR. The next 3 judges will start work in six months, and the last three – after a year.

Activity 3 – Establishing an internal network for information exchange amongst judges in Bulgaria.

An internal network for information exchange is to be set up and contact details will be published on the website of the SJC for communication with the Strasbourg seconded judges and a forum with restricted access to magistrates is to be created. The aim is for these judges to be the addressees of questions concerning the Court's functioning and its practice.

The information exchange network will continue to operate after the completion of the project and at least two workshops per annum will be organized, aimed at magistrate training. This will help provide value added to the judiciary and will ensure sustainability of the outcomes on this component after its completion. To achieve sustainability after the completion of this project component, the judges participating in the internal network will become trainers and will share their experience with other Bulgarian judges and jointly with the National Institute of Justice training modules for magistrates will be developed.

Activity 4 - A round table for presenting the established information exchange network under activity 3.

Participants in the round table will be representatives of the judiciary and the executive, a judge from the European Court of Human Rights, the bar, journalists, the NGO sector, stakeholders, at which the outcomes of Activity 3 are to be presented.

The round table will result in better knowledge of the judiciary by the public and the participants concerned.

Outcomes vis-à-vis Objective 2: The capacity of the members of the Bulgarian judiciary to comply with and implement the provisions of the European Convention on Human Rights and its case law increased and vis-à-vis Objective 3: A network of judges specialised in human rights.

- selection of 9 judges for secondment to the European Court of Human Rights in Strasbourg;
- Methodology for selection and evaluation of applicants developed;

- 9 judges seconded to the European Court of Human Rights in Strasbourg for a term of 12 months;
- Internal professional network created for exchange of information amongst Bulgarian magistrates, concerning the functioning and the practice of the European Court of Human Rights;
 - On-line forum created for exchange of information between judges and magistrates;
- 1 round table organized for presenting the created network for exchange of information on activity 3;
 - Increased information level of the public and the judicial parties concerned.

Activities vis-à-vis Objective 4: A mechanism for assessment of the workload in the judicial system both at the individual level and the institutional level focusing on qualitative indicators and benchmarks developed

Activity 1 – Analysis of the practice and approaches to assessment of the workload of magistrates based on qualitative indicators adopted by individual EU Member States and exchange of expertise with more experienced countries in this area.

During the implementation of this activity the expertise of professionals from the Council of Europe is to be used by organizing a working visit with the participation of representatives of the judiciary on the spot to the CE. During the working visit good practices and approaches of different EU and EEA Member States will be discussed in terms of quality assessment of the workload of magistrates. The working visit will provide a basis for analysis aimed to identify the countries applying qualitative indicators of the workload of magistrates. Based on the analysis, working groups on Activity 2 will be set up.

Activity 2 – Holding joint working groups of Bulgarian magistrates and representatives of the Council of Europe, the Kingdom of Norway and EU Member States with rich experience and good practices in this area.

A criterion for the selection of these countries would be selection and appointment of judiciary staff similar to the Bulgarian system and will be part of the analysis under activity 1.

One working group in EU or EEA Member State is to be held on this activity, aimed to study good practices in assessing the workload of magistrates and one working meeting is to be held in Bulgaria with the participation of experts from the CE, experts from the country where the working visit is made, experts from Norway and representatives of the Bulgarian judiciary.

The working groups should define the applicable qualitative indicators which would be appropriate in designing a mechanism for qualitative assessment of the workload in the judiciary both at the individual level and at the institutional level.

The activity will create conditions for developing the mechanism under activity 3.

Activity 3 - Designing precise criteria for qualitative assessment of the workload of magistrates at the SJC and optimized Methodology for periodic monitoring and management of the workload of the judiciary including qualitative indicators.

This activity aims at designing a methodology for assessment and planning of the workload of judicial authorities and individual magistrates by introducing precise criteria for qualitative assessment of the workload of magistrates. These criteria should be based on the factual and legal complexity of the cases by applying pre-set ratios, the average required time for examination and resolving of a particular group of cases, determined on the basis of procedural laws and procedural actions performed on the respective groups of cases, as well as on the qualification of magistrates.

Outcomes vis-à-vis Objective 4: A mechanism for quality assessment of the workload in the judicial system both at the individual level and the institutional level focusing on qualitative indicators and benchmarks developed

- working visit to CE made
- analysis made of the practice and approaches to assessing the workload of magistrates based on qualitative indicators adopted by individual EU Member States and identification of EU or EEA Member State for holding a working meeting on activity 2;
- working groups on activity 2 set up;
- joint working groups held, including Bulgarian magistrates and representatives of the Council of Europe, the Kingdom of Norway and well experienced EU Member States with good practices in this field;
- applicable qualitative indicators defined;
- precise criteria for qualitative assessment of the workload of magistrates designed;
- optimized Methodology for periodic reporting and management of the workload of judicial authorities including qualitative indicators;

Sustainability of the project outcomes

Sustainability of the project will be achieved against each **objective** within the project.

Outcomes on Objective 1: ***An effective e-summoning system introduced according to the provisions of the Electronic Management Act.***

- The developed manual of good practices in e-summoning in EU and EEA Member States and Comparative analysis of the legislation in e-summoning will be accessible to all members of the target groups through their publication on the website of the SJC;
- The delivered and installed hardware and basic software for upgrade of the existing case file management systems will ensure sustainability of e-summoning and sending messages after the completion of the project as well.

Outcomes on Objective 2. ***The capacity of the members of the Bulgarian judiciary to comply with and implement the provisions of the European Convention on Human Rights and its case law increased*** and Objective 3 ***A network of judges specialised in human rights.***

- The created internal network for information exchange amongst Bulgarian magistrates regarding the functioning and practice of the European Court of Human Rights will continue to function after the completion of the project as well, together with the created forum for exchange of information amongst judges and magistrates.

The planned activities within Objectives 2 and 3 will also ensure institutional memory and sustainability after the completion of the project jointly with the National Institute of Justice, including the judges participating in the internal network, who will become trainers and will share the accumulated experience with other Bulgarian judges, and training modules and training programmes for magistrates will be developed. The network for exchange of



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information will continue to function after the completion of the project, at least two workshops for training of magistrates will be organized annually. This will help ensure value added and multiplying effect for the judiciary and will provide sustainability of the project outcomes after project completion as well. The materials and reports on the delivered trainings will be made available to every employee who wants to get familiar with them.

The planned activities within Objective 4 ***A mechanism for quality assessment of the workload in the judicial system both at the individual level and the institutional level focusing on qualitative indicators and benchmarks developed*** will also contribute to sustainability through the very outcomes from the activities. The analysis of the practice and approaches to assessment of the workload of magistrates in terms of qualitative indicators adopted by different EU Member States and identification of EU or EEA Member State, combined with the elaborated precise criteria for quality assessment of the workload of magistrates and the optimized Methodology for periodic reporting and management of the workload of the judiciary including qualitative indicators will be applied in the daily activity of the courts after the project completion as well.

The methods for information circulation are mainly envisaged in the planned information and publicity activities, aiming to ensure transparency and sufficient information both within the judiciary and among the target groups, as well as among the public.

Round tables and joint working groups are to be organized in the project's framework for achieving every objective, in which a wide range of stakeholders and representatives of target groups will participate, which will ensure publicity at each stage of the project and of the outcomes achieved at that stage.

The funds necessary for the maintenance of the hardware and software for sending electronic summons by the case file management systems (Activity 3 of Outcome 1) will be planned in the budget of the judiciary for the years following the project completion. Likewise, the operation of the Network for information exchange on the functioning of the Court of Human Rights will be provided for. Also, at least two workshops are to be held annually, aiming to enhance the qualification of Bulgarian magistrates in the field of human rights protection.

Information and publicity activities on the project

During the implementation of the whole pre-defined project the information and publicity rules will be observed and all mandatory logos of the Programme will be used. All activities, publications, materials, etc. will be visualized so as to demonstrate the financial input of the Norwegian Financial Mechanism.