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Improvement of the Magistrates' Legal Status and Strengthening the Capacity of the Supreme Judicial Council
SUPREME JUDICIAL COUNCIL 9, Saborna Str 1000 SOFIA (Bulgaria)

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JUDICIAL SYSTEM ACT

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Judicial System Act

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Chapter One

GENERAL PROVISIONS

Article 1. This Act shall regulate the organisation and the principles underlying the work of the bodies of the judiciary and the interaction between them, as well as the interaction between the bodies of the judiciary and the bodies of the legislative and the executive.

Article 2. The bodies of the judiciary shall be governed by the Constitution and by the principles set forth by this law.

Article 3. Judges, prosecutors and investigators shall base their acts on the law and the evidence collected in the case.

Article 4. Bodies of the judiciary shall discharge their functions impartially.

Article 5. (1) Citizens and legal persons shall have the right to information about the work of the judiciary.

(2) Bodies of the judiciary shall be obliged to ensure openness, accessibility and transparency of their activities following the procedure set out in this act and the procedural laws.

(3) Bodies of the judiciary shall interact with bodies of the legislative and executive powers to ensure full protection of citizens' and legal persons' rights and implement the state penal policy.

Article 6. In the course of discharging their functions judges, prosecutors and investigators shall be politically neutral.

Article 7. (1) Everyone shall be entitled to a fair and public trial within a reasonable time by an independent and impartial court.

(2) Citizens and legal persons shall have the right to defence, which may not be refused to them.

(3) Under the terms and conditions set forth by law citizens may receive legal aid financed by the state.

Article 8. (1) Bodies of the judiciary shall apply the laws accurately and equally to all persons and cases to which they refer.

(2) In the course of discharging judicial functions and appointing to positions within bodies of the judiciary no restrictions of rights or privileges whatsoever shall be allowed on grounds of race, nationality, association with an ethnic group, sex, origin, religion, education, beliefs, political affiliation, personal and social status or property.

Article 9. (1) Cases and case-files with bodies of the judiciary shall be randomly allocated through computer allocation according to the chronological order of their receipt.

(2) The principle of random allocation in distributing cases in courts shall be applied within colleges or divisions, and in the prosecution office – within the respective departments.

Article 10. (1) Civil and criminal cases shall be tried at three instances – first instance, instance of appeal and cassation, unless otherwise provided for in a law.

(2) Administrative cases shall be tried at two instances – first instance and cassation.

(3) Effective judicial acts shall be revoked only in cases provided for in a law.

Article 11. (1) The higher-standing instance shall review the acts of the lower instance only in the cases and following the procedure provided by law.

(2) A judge may not hear the same case at different instances.

Article 12. (1) Bodies of the judiciary shall be obliged to hear and rule on any request referred to them in compliance with the law.

(2) Statutory periods set forth in the procedural laws regarding discharge of powers of judges, prosecutors and investigators shall be binding on them but shall not affect the rights of the parties in the trial.

Article 13. (1) Proceedings before bodies of the judiciary shall be conducted in the Bulgarian language.

Article 14. (1) Protocols shall be drawn in the Bulgarian language.

(2) Where words or phrases in foreign language have particular value for the case, they may be taken down in the protocol.

Article 15. The court shall inform the Supreme Court of Cassation or the Supreme Administrative Court, and prosecutors and investigators shall inform the Prosecutor General if they find that a law contradicts the Constitution.

Chapter two SUPREME JUDICIAL COUNCIL

Section I Legal status and composition of the Supreme Judicial Council

Article 16. (1) The Supreme Judicial Council shall be a standing body that represents the judiciary and ensures its independence. It shall determine the composition and working organisation of the judiciary and shall manage its operations without touching upon the independence of its bodies.

Judicial Council shall be a legal person with a seat located in Sofia. It shall be represented by one of its elected members, designated in a decision of the Supreme Judicial Council.

(3) The Supreme Judicial Council shall have a round stamp with effigy of the coat of arms of the Republic of Bulgaria and an inscription “Republic of Bulgaria. Supreme Judicial Council”.

Article 17. (1) The National Assembly shall elect members of the Supreme Judicial Council from among judges, prosecutors and investigators, researches in the field of law having academic rank, barristers or other lawyers.

(2) The bodies of the judiciary shall elect from among their staff members of the Supreme Judicial Council whereas judges elect six, prosecutors – four and investigators – one member from among their staff.

Article 18. (1) An elected member of the Supreme Judicial Council may not:

1. be a Member of Parliament, a mayor or a municipal councillor;

2. hold a position in public or municipal bodies;
3. exercise commercial activity or be a partner or manager or take part in supervisory or managing boards or boards of directors or in supervisory bodies of commercial partnerships, co-operatives or not-for-profit legal persons that perform economic operations;
4. receive remuneration for performing operations under a service or employment contract with state or public organisation, commercial partnership, co-operative, not-for-profit legal person, natural person or sole trader, except for research and academic services or for services relating to the exercise of copyright;
5. exercise freelance or other paid professional activities;
6. be a member of political parties or coalitions, of organisations set up for political purposes, carry out political activity or be a member of or perform activities affecting his independence;
7. be a member of trade unions outside the judiciary;
8. be convicted of offence, regardless of rehabilitation, or be exempted from liability for a premeditated crime;
9. be a spouse, direct family member or collateral family member up to the fourth degree or in law up to the third degree inclusive or live in cohabitation with another member of the Supreme Judicial Council, with an administrative head of a body of the judiciary or with the minister of justice.

(2) In case elected members of the Supreme Judicial Council do not vacate the position or suspend the activities under paragraph 1 within one month following their election, they shall be dismissed from the Supreme Judicial Council.

Article 19. The National Assembly and bodies of the judiciary shall elect Supreme Judicial Council members within one month prior to expiry of the term of office of elected members.

Article 20. (1) Election of Supreme Judicial Council members from the quota of judges and prosecutors shall be held at separate delegate meetings of judges and prosecutors where one delegate shall represent ten persons. No delegate shall be elected where less than five persons remain.

(2) Election of Supreme Judicial Council members from the quota of investigators shall be held at a general meeting of all investigators in the Republic of Bulgaria.

Article 21. (1) The Supreme Court of Cassation, Supreme Administrative Court, Supreme Cassation Prosecution Office, Supreme Administrative Prosecution Office, courts of appeal and prosecution offices of appeal and administrative courts shall elect delegates at separate meetings.

(2) Judges and prosecutors from the respective district court area shall elect delegates at separate meetings.

(3) Judges from military courts shall elect delegates at a general meeting of all military courts.

(4) Prosecutors and investigators from military public prosecution offices shall elect delegates at a general meeting of all military public prosecutors and military investigators.

Article 22. (1) Meetings for election of delegates shall be convened by a written invitation issued by the head of the respective body of the judiciary or on the request of one fifth of the Supreme Judicial Council members within two months prior to the expiry of the term of office of elected Supreme Judicial Council members. The invitation shall specify the day, place and time of the meeting.

(2) Where the meeting is not convened by the persons under paragraph 1 within one week after expiry of the term under paragraph 1, the minister of justice shall set the day, place and time of holding the meeting.

(3) Meetings for election of delegates shall be held where more than half of the persons entitled to attend are present. Failing a quorum, the meeting shall be held one hour later than the time set and shall be considered regular if one third of the persons entitled to attend are present.

(4) Delegates shall be elected by secret ballot and a majority exceeding half of those present. Following the election the minutes of the decision for election of delegates shall be immediately sent to the Supreme Judicial Council to be included in the list of elected participants in the general delegate meeting.

Article 23. (1) The general delegate meeting of judges shall be convened jointly by the President of the Supreme Court of Cassation and the President of the Supreme Administrative Court.

(2) The general delegate meeting of prosecutors shall be convened by the Prosecutor General.

(3) The general meeting of investigators shall be convened by the Director of the National Investigation Service.

(4) The meetings under paragraphs 1 and 2 shall be convened within 14 days as of the day of holding the respective meetings for election of delegates.

(5) The meetings under paragraphs 1 to 3 shall be convened if two thirds of the elected delegates or all investigators are present.

Article 24. (1) Supreme Judicial Council Members shall be elected at general delegate meetings by secret ballot with a majority exceeding half of those present.

(2) Where one or several nominees fail to receive the required majority at the first voting, a second voting shall be held. If at the subsequent voting one or several nominees have not received the required majority, the nominees who have received the most votes shall be considered elected.

Article 25. (1) The organisation and technical preparation of the meetings shall be handled by the Supreme Judicial Council administration.

(2) The costs for holding the meetings shall be borne by the Supreme Judicial Council budget.

Article 26. (1) The legality of election of a Supreme Judicial Council member by the bodies of the judiciary may be challenged before the Supreme Administrative Court by way of an application signed by one fifth of the delegates or the general meeting members, respectively, or by a candidate who has a legal interest.

(2) The application shall be lodged within three days after the election results are announced.

(3) The Supreme Administrative Court, sitting in five-member panel, shall deliver a judgment within seven days after the application was lodged. The judgment shall be final.

(4) The Supreme Judicial Council shall set the day for a new election to be held within one month following the entry into force of the judgment whereby the election was found illegal.

Article 27. (1) Elected Supreme Judicial Council members shall be dismissed ahead of term by virtue of Article 130, para 8 of the Constitution of the Republic of Bulgaria, as well as where incompatibility with the positions or activities under Article 18, para 1 has been found.

(2) In the cases under Article 130, para 8 of the Constitution of the Republic of Bulgaria the Supreme Judicial Council shall announce the resignation of an elected Supreme Judicial Council member at its first session following the handing in of the resignation.

(3). The procedure for dismissal ahead of term on grounds of Article 130, para 8, items 2 to 4 of the Constitution of the Republic of Bulgaria or where incompatibility of a Supreme Judicial Council member elected by the bodies of the judiciary has been found, shall be initiated on a request by one fifth of the Supreme Judicial Council members

(4) The procedure for dismissal ahead of term on grounds of Article 130, para 8, items 2 to 4 of the Constitution of the Republic of Bulgaria or where incompatibility of a Supreme Judicial Council member elected by the National Assembly has been found, shall be initiated on a request by one fifth of the Members of Parliament.

(5) The decision of the Supreme Judicial Council to dismiss ahead of term a Supreme Judicial Council member shall be ruled within one month as of filing in the request referred to in para 3 or 4 and shall be passed by a majority of more than two thirds of its members.

Article 28. (1) A Supreme Judicial Council member shall, within one month following expiry of his term of office or his dismissal ahead of term under Article 130, para 8 of the Constitution, be reinstated to the position he has occupied prior to the election, and the time where he acted as Supreme Judicial Council member shall be recognised as length of service for the purposes of Article 164, paras 1 to 5.

Article 29. The remuneration of an elected Supreme Judicial Council member shall be equal to the remuneration of a judge at the Supreme Court of Cassation.

Section II Activity and organisation of the Supreme Judicial Council

Article 30. (1) The Supreme Judicial Council shall, in exercising its powers, perform the following activities:

1. to discuss the draft judiciary budget proposed by the Minister of Justice, submit it to the Council of Ministers so that it is incorporated in the draft of the Republic of Bulgaria State Budget Act and control its implementation;

2. to determine the number, area and seats of regional, district, administrative courts and courts of appeal on proposal by the Minister of Justice; the Minister of Defence shall be consulted regarding military courts;

3. to determine the number of judges, prosecutors and investigators for the individual courts, prosecution offices and investigative bodies;

4. to organise and conduct the competitions for the positions of judges, prosecutors and investigators;

5. to determine the number of administrative heads of the respective judiciary bodies and their deputies and to appoint and dismiss them, save for the President of the Supreme Court of Cassation, President of the Supreme Administrative Court and Prosecutor General;

6. to propose to the President of the Republic of Bulgaria appointment and dismissal of the Supreme Court of Cassation President, Supreme Administrative Court President and the Prosecutor General;

7. to elect and discharge the director of the National Investigation Service;

8. to determine the remuneration of judges, prosecutors and investigators;

9. to inspect the workload level of the bodies of the judiciary;

10. to make evaluation of judges, prosecutors, investigators and administrative heads;

11. to keep and store the personal files of judges, prosecutors and investigators;

12. to approve rules for professional ethics adopted by the professional organisations of judges, prosecutors and investigators;

13. to require and summarise every six months information from courts, prosecution offices and the National Investigation Service regarding their activity;

14. to prepare and submit in Parliament by 31 May a summarised annual report on its activity and the activity of the Inspectorate with the Supreme Judicial Council, as well as the annual reports of the Supreme Court of Cassation, the Supreme Administrative Court and the Prosecutor General;

15. to set up and maintain an electronic public register of all its rulings together with the motives thereto;

16. to approve automated information systems necessary for the work in the judiciary and to ensure the system integration and their operational compatibility;

17. to organise, manage and control the involvement of judges, prosecutors and investigators in the international legal co-operation, including their participation in the national judicial network.

(2) When performing the activities under paragraph 1, the Supreme Judicial Council shall seek the opinion of the administrative heads of the respective judicial bodies; regarding prosecutors and military investigators, the Prosecutor General's opinion shall be sought.

(3) The activities of the Supreme Judicial Council shall be supported by administration. The administration may not exceed in number two times and a half the number of Supreme Judicial Council members.

(4) The Supreme Judicial Council shall adopt a rule of organisation for its work and administration, which shall be promulgated in the State Gazette.

Article 31. The Supreme Judicial Council shall give opinions to the Council of Ministers and National Assembly on draft acts concerning the judiciary.

Article 32. (1) The Minister of Justice shall organise and conduct the sessions of the Supreme Judicial Council.

(2) Where the Minister of Justice is absent, sessions shall be successively presided by an *ex lege* Supreme Judicial Council member.

(3) In the cases referred to in paragraph 2 the Minister of Justice shall notify the substituting presiding member in advance so that he can organise the session. In those cases the session may be attended by a deputy-minister designated by the Minister.

(4) Where all *ex lege* Supreme Judicial Council members are absent from a Supreme Judicial Council session, it shall be presided by a member of the Supreme Judicial Council by right of seniority.

Article 33. (1) Sessions of the Supreme Judicial Council shall be convened by the Presiding Member at least once a week.

(2) Supreme Judicial Council members shall be notified of the date of convening a session and of the agenda and written materials for the session shall be provided to them three days in advance.

(3) Amendments to the provisionally notified agenda may be made on the day of the session following a decision of the Supreme Judicial Council.

(4) Sessions of the Supreme Judicial Council shall be public save for those cases where documents classified under the Protection of Classified Information Act or proposals for imposing disciplinary sanctions are discussed.

(5) Decisions adopted at a closed session shall be announced in public.

Article 34. (1) A Supreme Judicial Council session shall be held if there are more than half of its members present.

(2) Decisions shall be adopted by open ballot with a majority of more than half of the Supreme Judicial Council members present, unless otherwise provided for by the Constitution.

(3) Negative opinions, if any, voiced by Supreme Judicial Council members shall be considered grounds of a Supreme Judicial Council decision adopted by secret ballot and repudiating a proposal made. The considerations of the proposal depositor shall be considered grounds of a Supreme Judicial Council decision adopting the proposal made.

Article 35. Supreme Judicial Council members shall not participate in voting a decision concerning them personally, their spouses or family members of direct or collateral ascending or descending line to the fourth degree or family members by marriage to the third degree.

Article 36 (1) Interested persons may lodge an appeal against a decision of the Supreme Judicial Council within 14 days as of the day they were notified. The appeal against the decision shall not suspend its enforcement unless the court rules otherwise.

(2) A three-member panel of the Supreme Administrative Court shall hear the case within one month as of filing the case in court together with the administrative file.

(3) The ruling of the three-member panel of the Supreme Administrative Court shall be subject to cassation appeal before a five-member panel of the Supreme Administrative Court within 14 days as of its announcement.

Article 37. (1) The Supreme Judicial Council shall elect from among its members a standing Commission on Proposals and Appraisal of judges, prosecutors and investigators, as well as other standing commissions supporting its activity.

(2) The type and number of members of the standing commissions and their powers, save for the Commission on Proposals and Appraisal, shall be determined by the rule of procedure under Article 30, para 4.

Article 38. (1) The Commission on Proposals and Appraisal of judges, prosecutors and investigators shall make proposals to the Supreme Judicial Council regarding the following:

1. the number of judges, prosecutors, investigators and administrative heads and their deputies;

2. appointment, promotion in rank or position and dismissal of judges, prosecutors and investigators;

3. appointment and dismissal of administrative heads and their deputies, save for the President of the Supreme Court of Cassation, the President of the Supreme Administrative Court, the Prosecutor General and the Director of the National Investigation Service;

4. decisions regarding acquiring tenure by judges, prosecutors, and investigators.

(2) Proposals to the Commission on Proposals and Appraisal of judges, prosecutors and investigators as regards its powers under paragraph 1 shall be made by the interested judge, prosecutor or investigator or at least one-fifth of the Supreme Judicial Council members.

(3) Proposals shall be made also by the administrative head as follows:

1. by the President of the Supreme Court of Cassation in relation to:
 - a) his deputies and the judges at this court;
 - b) chairpersons of courts of appeal and military courts of appeal;
2. by the President of the Supreme Administrative Court in relation to his deputies and the judges at this court, as well as the chairpersons of administrative courts;
3. by the Prosecutor General in relation to:
 - a) his deputies at the Supreme Cassation Prosecution Office and the Supreme Administrative Prosecution Office and the prosecutors at these prosecution offices;
 - b) the regional, district, military district and appellate public prosecutors and the military appellate prosecutor;
4. by the appellate prosecutors and the military appellate prosecutor in relation to their deputies and prosecutors at the prosecution offices of appeal and the military prosecution office of appeal;
5. by the military district prosecutors in relation to their deputies, the prosecutors at the military district prosecution offices and the military investigators;
6. by the district prosecutors in relation to their deputies and the prosecutors at the district prosecution offices;
7. by the regional prosecutors in relation to their deputies and the prosecutors at the regional prosecution offices;
8. by the chairpersons of the courts of appeal and the military court of appeal in relation to:
 - a) their deputies and the judges at these courts;
 - b) the chairpersons of the respective district and military courts;
9. by the chairpersons of the district court in relation to:
 - a) their deputies and the judges at these courts;
 - b) the chairpersons of the regional courts in the area of the respective district court.

10. by the chairpersons of the administrative courts in relation to their deputies and the judges at these courts;
11. by the chairpersons of the military courts in relation to their deputies and the judges in these courts;
12. by the chairpersons of the regional courts in relation to their deputies and the judges in these courts;
13. by the director of the National Investigation Service in relation to:
 - a) his deputies and the investigators at the National Investigation Service;
 - b) directors of the district investigation services;
14. by directors of the district investigation services in relation to their deputies and the investigators at these services.

(4) The Minister of Justice may give opinion on the proposals made to the Supreme Judicial Council.

(5) The Commission on Proposals and Appraisal of judges, prosecutors and investigators shall discuss the proposals and submit them to be reviewed in the Supreme Judicial Council together with a grounded opinion in writing on each of them.

(6) The Supreme Judicial Council shall adopt decisions on the proposals made by a majority of more than half of its members.

Article 39 (1) The Commission on Proposals and Appraisal of judges, prosecutors and investigators shall conduct the appraisal of judges, prosecutors and investigators.

(2) In performing its powers the Commission on Proposals and Appraisal of judges, prosecutors and investigators shall be supported by assisting appraisal commissions.

(3) The assisting appraisal commissions shall be set up in all bodies of the judiciary. Each commission shall be composed of three judges, prosecutors or investigators, designated by the administrative head of the respective body of the judiciary.

Chapter three INSPECTORATE WITH THE SUPREME JUDICIAL COUNCIL

Section I General provisions

Article 40. The work of the Inspectorate shall be founded on the principles of legality, objectivity and publicity.

Article 41. The Inspectorate with the Supreme Judicial Council shall be a legal

person with a seat located in Sofia.

Section II Election and pre-term discontinuation of the term of office of the chief inspector and the inspectors

Article 42. (1) Lawyers of high professional qualities and integrity shall be elected chief inspector and inspectors.

(2) A person with at least 15-year legal experience shall be elected chief inspector.

(3) Persons with at least 12-year legal experience shall be elected inspectors.

(4) For five of the inspectors in the framework of the length of service under paragraph 3 at least eight-year experience as judge in district or appellate court, the Supreme Court of Cassation or the Supreme Administrative Court, or prosecutor in a district or appellate prosecution office, the Supreme Cassation Prosecution Office or the Supreme Administrative Prosecution Office shall be required.

Article 43. Persons for whom the grounds referred to in Article 18, para 1 apply, may not be chief inspector and inspectors.

Article 44. The proposals for chief inspector and inspectors shall be deposited in Parliament not earlier than three months and not later than two months prior to the expiry of the term of office of the chief inspector and inspectors.

Article 45. (1) The proposals for chief inspector and inspectors shall be reviewed by the specialised standing committee of the National Assembly.

(2) The specialised standing committee shall conduct hearing of the proposed candidates who comply with the requirements of the law and shall submit in Parliament a report summarising the results.

Article 46. The National Assembly shall elect individually the chief inspector and the inspector with a majority of two-thirds of the Members of Parliament.

Article 47. (1) The chief inspector and the inspectors shall assume office on the day when the term of office of the persons in whose place they have been elected expires.

(2) The chief inspector and the inspectors shall resign from the positions and shall discontinue the activities that are incompatible with the requirements specified in Article 18, para 1 before assuming office, and shall notify the spokesperson of the National Assembly thereof.

Article 48. (1) The chief inspector and the inspectors shall be released of duties for more than six months in the event of:

1. filing a resignation;
2. enforcement of a judicial act regarding a committed crime;
3. permanent effective incapacity to discharge their official duties for more than six months;
4. disabling of the right to practice the legal profession or work;
5. serious infringement of or systematic failure to discharge official duties, as well as actions undermining the prestige of the judiciary;
6. failure to comply with the requirement under Article 47, para 2.

(2) In the cases under paragraph 1, items 2 to 6 the proposal for dismissal of the chief inspector or the inspectors may be made by at least one fifth of the Members of Parliament or of the Supreme Judicial Council members.

Article 49. In the event of dismissal pursuant to Article 48, para 1 of the chief inspector or the inspectors, the National Assembly shall elect in his place a new chief inspector or inspectors to finish off the term of office.

Article 50. In the event of expiry of the term of office or pre-term discontinuation pursuant to Article 48, para 1, item 1, the chief inspector and the inspectors shall be reinstated in the office they used to hold before the election.

Article 51. (1) The remuneration of the chief inspector shall be equal to the remuneration of president of division at the Supreme Court of Cassation.

(2) The remuneration of the inspectors shall be equal to the remuneration of judge at the Supreme Court of Cassation.

Article 52. The time served as chief inspector or the inspector at the Inspectorate with the Supreme Judicial Council shall be accounted for as length of service under Article 164, para 1, items 1 to 5.

Article 53. The new chapter sixteen and Articles 350 to 354 shall apply to the chief inspector and the inspectors.

Section III Powers of the Inspectorate

Article 54. (1) The Inspectorate shall:

1. inspect the organisation of the administrative activity of courts, prosecution offices and investigation services;

2. inspect the organisation concerning institution and progress of judicial, prosecution and investigation cases, as well as completion of the cases within the statutory periods;

3. analyse and summarise cases with effective acts, as well as completed files and cases of prosecutors and investigators;

4. in case of contradictory case-law identified in the course of discharging the powers under item 3, signal the competent bodies to lodge requests for delivering interpretative rulings;

5. in the event of violations identified in the course of performing the activities under items 1 to 3, signal the administrative head of the respective body of the judiciary and the Supreme Judicial Council;

6. make proposals for imposing disciplinary sanctions against judges, prosecutors, investigators and administrative heads of bodies of the judiciary;

7. make signals, proposals and reports to other state bodies, including to the competent bodies of the judiciary;

8. prepare and present to the Supreme Judicial Council an annual programme for and report about its activity;

9. discuss the draft budget of the judiciary proposed by the Minister of Justice as regards the section concerning the budget account of the Inspectorate and presents it to the Supreme Judicial Council;

10. annually provide public information about its activity and publish the report about its activity on the website of the Supreme Judicial Council.

(2) The Inspectorate shall adopt decisions with a majority of more than half of its members.

Article 55. (1) When performing its activity the Inspectorate shall be supported by administration. The staff of the administration may not exceed in number two times the number of the inspectors, including the chief inspector.

(2) Outside the staff of the administration, determined in number under para 1, up to 22 experts with at least five-year legal experience and satisfying the requirements under Article 18 shall be appointed with the Inspectorate.

(3) The experts with the Inspectorate shall be appointed and dismissed by the Inspectorate acting on proposal of the chief inspector.

(4) The Inspectorate shall adopt rules of organisation that shall be published in the State Gazette.

Article 56. (1) The Inspectorate shall carry out its activity by conducting checks envisaged in its annual programme or acting upon signals.

(2) The check shall be conducted by the chief inspector or an inspector supported by experts.

(3) The chief inspector shall determine by an order the terms for conducting the checks.

Article 57. (1) The checks, envisaged in the annual programme, shall be conducted by teams designated by lot and composed of the inspector under Article 56, para 2 and assisting experts. The lot shall be carried out by the chief inspector in the presence of all inspectors immediately after endorsing the annual programme.

(2) For the purposes of the checks of signals, the inspector under Article 56, para 2 and assisting experts shall be designated at random by means of electronic allocation following the sequence of received signals.

Article 58. (1) The check to be conducted shall be assigned by an order of the chief inspector specifying:

1. the body of the judiciary, judge, prosecutor or investigator, who will be checked, the tasks and time limit for conducting the check;
2. the name of the inspector under Article 56, para 2;
3. the names of all experts assisting him;
4. the time limit for instrumenting the act with the results of the check.

(2) The act about the results of the check shall contain the conclusions from the conducted check and, where appropriate, recommendations and time limit for acting upon them.

(3) The act about the results of the check shall be forwarded to the inspected judge, prosecutor or investigator and to the administrative head of the respective body of the judiciary. The latter can submit objections to the chief inspector within seven days from the notification.

(4) The administrative head shall inform the chief inspector about the implementation of the recommendations, if any, within the time limit prescribed in the act about the results of the check.

Article 59. The administrative heads of the bodies of the judiciary shall be obliged to assist the chief inspector and the inspectors in discharging their powers and to provide them with access to the necessary materials.

Article 60. (1) The chief inspector shall conduct also general organisational and methodological management of the work of the Inspectorate by:

1. representing the Inspectorate and designating the inspector who will substitute him in his absence;
2. disposing of the funds in the budget account of the Inspectorate;
3. exercising control over the work of the inspectors;
4. organising the publication of a bulleting with the results of the checks, which shall be published on the website of the Supreme Judicial Council;
5. concluding and terminating employment contracts with experts and officers from the Inspectorate administration;
6. organising the improvement of the inspectors' and the Inspectorate administration's qualification.

(2) The chief inspector shall take part in the Supreme Judicial Council sessions without the right to vote.

Chapter Four COURTS

Section I General Provisions

Article 61. (1) Courts in the Republic of Bulgaria shall be regional, district, administrative, military, appellate, Supreme Administrative Court and Supreme Court of Cassation.

(2) Civil, penal and administrative cases shall be subject to the jurisdiction of the courts.

(3) A case heard in a court may not be reviewed by another body.

Article 62. The areas of regional, district, administrative, military and appellate courts may not coincide with the administrative and the territorial divisions of the state.

Article 63 (1) Regional, district, administrative and military courts shall try the cases provided for by law at first instance.

(2) District courts shall try appealed acts issued by regional courts as well as other cases provided for by law at second instance.

(3) Administrative courts shall try administrative cases provided for by law at first instance or an instance of cassation.

(4) Courts of appeal shall hear at second instance appealed acts of district courts and other cases provided for by law.

(5) The military court of appeal shall hear at second instance appealed acts of military courts.

(6) The Supreme Court of Cassation shall be a cassation instance for those acts provided for by law and shall hear other cases as well provided for by law.

(7) The Supreme Administrative Court shall try at first instance acts specified by law and as instance of cassation appealed acts of the administrative courts and acts of a three-member panel of the Supreme Administrative Court.

(8) Jurisdiction disputes between the Supreme Court of Cassation and the Supreme Administrative Court shall be settled by a panel consisting of three representatives from the Supreme Court of Cassation and two representatives from the Supreme Administrative Court; their ruling shall be final.

Article 64. (1) The acts of courts shall be published quarterly on the website of the respective court abiding by the Protection of Personal Data Act and the Protection of Classified Information Act.

(2) Acts issued in relation to cases concerning the civil or health status of persons shall be published without the reasons of the judgement.

Article 65. All courts shall be legal persons on budget support.

Section II Jurors

Article 66. (1) Where provided for by law jurors shall sit in the panel hearing cases at first instance.

(2) Jurors shall have the same rights and obligations as judges.

Article 67. (1) Any Bulgarian citizen who is legally capable, at the age of 21 but below 70 years of age at the time of being designated a juror, known for his integrity and not convicted on account of a publicly actionable criminal offence of intent, regardless of subsequent rehabilitation, shall be eligible for a juror.

(2) Jurors in military courts may be generals (admirals), officers as well as sergeants on military service.

Article 68. (1) The municipal councils in the area of the respective court shall propose jurors, at least 10 pct of whom are persons with pedagogical qualification.

(2) Jurors shall be designated:

1. for regional courts – by the general meeting of judges from the respective district court;

2. for district courts – by the general meeting of judges from the respective court of appeal.

(3) Jurors in military courts shall be designated by the general meeting of judges from the military court of appeal on the proposal of commanders of military units.

Article 69. Jurors' term of office shall be five years.

Article 70. Jurors shall take an oath before the respective general meeting.

Article 71 (1) The respective general meeting shall remove ahead of term a juror from office on the proposal of the chairman of this court where:

1. juror requests to be removed;
2. juror is put under legal custody;
3. juror is convicted for publicly actionable criminal offence;
4. juror's permanent effective incapacity to discharge his official duties for more than a year;
5. juror commits a serious infringement of or systematic failure to discharge official duties or performs actions undermining the prestige of the judiciary.

Article 72. (1) Jurors shall be summoned to participate in court hearings by the court chairman for no more than sixty days in one calendar year unless the examination of case where they are involved continues after this period.

(2) Principal and reserve jurors shall be designated by lot for every court panel.

Article 73 Jurors shall receive remuneration for participating in court hearings from the judiciary budget.

Article 74 (1) The chairman of the court may impose a fee from 50 to 500 BGN against the juror for failure to discharge his duties, after giving him the opportunity to submit explanations.

(2) The chairman of the higher court may either overrule the fee imposed under paragraph 1 or reduce its size where a juror has appealed against it.

Article 75. The Minister of Justice alongside with the Supreme Judicial Council shall issue an ordinance to determine:

1. the procedure to nominate candidates eligible for jurors;
2. jurors' remuneration;
3. other organisational matters related to jurors.

Section III Regional court

Article 76. Regional courts shall be the basic first instance courts. Regional court shall be competent to hear all cases save for those, for which another court is competent as provided for by law.

Article 77. (1) Regional courts shall consist of judges and shall be headed by a chairperson.

(2) Divisions may be set up in regional courts.

(2) At the regional court there shall be Conviction Certificate Offices.

(3) The functions, organisation and control on Conviction Certificate Offices operations shall be regulated in an ordinance issued by the Minister of Justice.

Article 78. Regional court shall hear cases in single judge panels unless otherwise provided for by law.

Article 79. (1) In regional courts, where there shall be at least three judges, the general meeting shall consist of all judges. Where the number of judges is less than three, they shall take part in the general meeting of another regional court in the same area to be designated by the chairman of the district court.

(2) The general meeting of the regional court shall:

1. analyse and summarise the case-law;
2. examine other matters on the proposal of the court chairman or a general meeting member;

(3) The general meeting may not examine and adopt decisions in relation to matters concerning the organisation of the court activity, which are within the competence of the regional court chairman.

(4) The general meeting shall be convened if more than half of all judges are present and shall adopt decisions with a majority of more than half of the meeting judges.

Article 80. (1) The chairman of the regional court shall:

1. take care of general organisation and administrative management, be responsible for the court operation and represent it;

2. elaborate:

a) an annual report about the activity of the court and forward it to the district court chairman to be included in the general annual report;

b) inquiries and electronic statistical data in a form approved by the Minister of Justice and forward them to the Supreme Judicial Council and to the Minister of Justice;

3. elaborate, at the end of each six-month period, and submit to the Inspectorate with the Supreme Judicial Council summarised information on the institution, progress and conclusion of cases and case-files of judges, as well as on effectively repealed acts of higher instances, and to the Minister of Justice – information on the institution, progress and conclusion of cases and case-files of public enforcement agents and recordation judges;

4. participate in court hearings;

5. inform the Minister of Justice about vacant positions for public enforcement agents and recordation judges;

6. manage and control public enforcement agents, Conviction Certificate Offices and recordation judges operations;

7. second judges pursuant to Article 81;

8. appoint and dismiss judicial officers and organise the work of the different offices;

9. convene and preside the general meeting of the court;

10. organise the publication of enforced acts on the website of the regional court;

11. publish the annual report about the activity of the court on the website of the regional court within one month after forwarding the report to the district court chairman.;

(2) The orders of the court chairman in relation to the organisation of the court operation shall be binding on all judges and clerks therein.

Article 81. (1) Once in three years time, where the position of a regional court judge is not occupied or a judge is prevented from discharging his duties and may not be replaced by another judge from the same court, the chairman of the respective district court may second for a period up to six months a judge from another regional or district court or a junior judge with at least two year experience as a judge.

(2) If secondment is not possible, the chairman of the court of appeal may second a judge from another district court area under the terms set out in paragraph 1.

Section IV District court

Article 82. (1) District courts shall hear at first instance:

1. criminal cases in a panel composed of one judge and two jurors unless otherwise provided for by law;

2. civil cases in a one-judge panel.

(2) A junior judges may sit in a panel at a first instance criminal case, but may not be the only judge or the rapporteur of the case.

Article 83. (1) District courts shall hear at second instance cases in a three-judge panel, unless otherwise provided for by law

(2) In the cases under paragraph 1 only one of the district court panel members may be a junior judge.

(3) The panel shall be presided by the judge who is most senior in position or rank.

Article 84. (1) The district court shall consist of judges and junior judges and shall be managed by a chairperson.

(2) Divisions, presided by the chairman or by his deputies, may be set up in the district court with a decision of the general meeting.

Article 85. (1) The district court shall have a general meeting consisting of all district court judges.

(2) Junior judges and chairmen of regional courts shall participate in the general meeting without the right to vote.

(3) The general meeting of the district court shall:

1. discuss at the end of every three-year period the allocation of judges to divisions and propose it to the court chairman;
 2. analyse and summarise the case-law of district and regional courts in the respective court area;
 3. examine periodically the state of crime and other wrongdoings and summarise district and regional courts experience in the respective court area;
 4. give opinion on requests for the adoption of interpretative judgments or interpretative rulings;
 5. pass decisions in other cases provided for by law.
- (4) The general meeting may not examine and pass decisions in relation to matters concerning the organisation of the court activity, which are within the competence of the district court chairman.
- (5) The general meeting shall be convened if more than half of all judges are present and shall adopt decisions with a majority of more than half of the meeting judges.

Article 86. (1) The district court chairman shall:

1. carry out the general organisation and administrative management of district court and shall represent it;
2. elaborate, at the end of each six-month period, and submit to the Inspectorate with the Supreme Judicial Council and to the Minister of Justice summarised information on the institution, progress and conclusion of cases, as well as on effectively repealed acts of higher instances;
3. elaborate:
 - a) annual report on the activities of the district court and regional courts in its judicial area and forward it by the end of February to the chairman of the court of appeal in the respective area so as to be included in the annual report;
 - b) inquiries and electronic statistical data in a form approved by the Minister of Justice and forward them to the Supreme Judicial Council and to the Minister of Justice;
4. allocate, in the end of every three-year period, the district court judges to divisions;
5. preside all panels in all divisions;
6. carry out personally or assign to a district court judge inspections on the organisation of operations of regional judges, as well as public enforcement agents and recordation judges;
7. organise the enhancement of district court judges' professional qualifications;
8. convene district and regional court judges to discuss the report under item 3(a), inspection reports and requests for interpretative judgements or rulings;
9. second judges, public enforcement agents and recordation judges to the district court area under the provisions of Articles 81, 274 and 290;
10. organise interns' training and be responsible for it;

11. appoint and remove from office judicial officers and organise the operation of different offices;

12. convene and preside the general meeting;

13. organise the publication of enforced acts on the website of the district court;

11. publish the annual report about the activity of the court on the website of the district court within one month after forwarding the report to the appellate court chairman.

(3) The orders of the court chairman in relation to the organisation of the court operation shall be binding on all judges and clerks therein.

Article 87. (1) Once in three years time, where the position of a district court judge is not occupied or a judge is prevented from discharging his duties and may not be replaced by another judge from the same court, the chairman of the court of appeal may second for a period up to six months a judge from a court of appeal or another district court or a regional court judge holding a district court judge rank.

(2) The secondment of the judge shall be co-ordinated with his administrative head.

Article 88. The Sofia City Court shall have the status of a district court.

Section V Administrative court

Article 89. (1) Administrative court shall be competent to hear all administrative cases at first instance save for those, for which the Supreme Administrative Court is competent as provided for by law.

(2) Seats and areas of administrative courts shall coincide with seats and areas of the respective district courts.

Article 90. (1) Administrative court shall hear administrative cases in a single judge panel, unless otherwise provided for by law.

(2) A prosecutor from the administrative department of the respective district prosecution office shall participate in proceedings in administrative court in the cases provided for by law.

Article 91. (1) The administrative court shall consist of judges and shall be managed by a chairperson.

(2) Divisions specialised in subject matter, to be presided by the chairman or by his deputies, may be set up in the district court with a decision of the general meeting of judges at the administrative court.

Article 92. (1) Administrative courts shall have general assemblies composed of all administrative judges.

- (2) The general meeting shall:
1. annually approve the composition of the divisions;
 2. examine in the end of every three-year period the allocation of judges to divisions, if such have been set up, and propose it to the administrative court chairman;
 3. analyse and summarise the administrative court case-law;
 4. give opinions to the Supreme Administrative Court on requests for passing interpretative judgements and rulings;
 5. pass decisions in other cases provided for by law.
- (3) The general meeting may not examine and pass decisions in relation to matters concerning the organisation of the court activity, which are within the competence of the administrative court chairman.
- (4) The general meeting shall be convened if more than half of all judges are present and shall pass decisions with a majority of more than half of the meeting judges.

Article 93. (1) The chairman of administrative court shall:

1. carry out general organisation and administrative management and represent the administrative court;
2. elaborate:
 - a) annual report on the administrative court operations and forward it, by the end of February, to the president of the Supreme Administrative Court to be included in the annual report;
 - b) inquiries and electronic statistical data in a form approved by the Minister of Justice and forward them to the Supreme Judicial Council and to the Minister of Justice;
3. elaborate, at the end of each six-month period, and submit to the Inspectorate with the Supreme Judicial Council and to the Minister of Justice summarised information on the institution, progress and conclusion of cases, as well as on effectively repealed acts of higher instances;
4. allocate administrative court judges to divisions where such have been set up;
5. preside court panels of all court divisions;
6. convene administrative judges to discuss the report under item 2 (a) and the requests for passing interpretative judgements or rulings;
7. appoint and remove from office judicial officers and organise the operations of different offices;
8. convene and preside the general meeting of judges;
9. organise the publication of enforced acts on the website of the administrative court;
10. publish the annual report about the activity of the court on the website of the administrative court within one month after forwarding the report to the president of the Supreme Administrative Court.

(3) The orders of the court chairman in relation to the organisation of the court operation shall be binding on all judges and clerks therein.

Article 94. (1) Once in three years time, where the position of an administrative court judge is not occupied or a judge is prevented from discharging his duties and may not be replaced by another judge from the same court, the president of the Supreme Administrative may second for a period up to six months a judge from another administrative court.

(2) The secondment of the judge shall be co-ordinated with his administrative head.

Section VI Military court

Article 95. (1) The competency of military court shall be set out in a law.

(2) Military courts shall be of equal standing to district courts.

Article 96. Military courts shall consist of judges and shall be headed by a chairman.

Article 97. (1) Military courts shall hear cases in a panel composed of one judge and jurors unless otherwise provided for by law.

(2) The court panel shall be presided by the most senior judge.

Article 98 (1) Military courts shall have general assemblies comprising all military judges.

(2) The general assembly of the military court shall exercise respectively the powers of the general assembly of a district court.

(3) The general meeting may not examine and pass decisions in relation to matters concerning the organisation of the court activity, which are within the competence of the military court chairman.

(4) The general meeting shall be convened if more than half of all judges are present and shall pass decisions with a majority of more than half of the meeting judges.

Article 99. Military court chairmen shall have respectively the rights and obligations of district court chairmen.

Article 100. (1) Once in three years time, where a military judge is prevented from discharging his duties and may not be replaced by another judge from the same court, the chairman of the military court of appeal may second to his position for a period up to six months a judge from another military court.

(2) The secondment of the judge shall be co-ordinated with his administrative head.

Section VII Court of appeal

Article 101. (1) The court of appeal shall hear cases instituted on the basis of appeals and protests against first instance acts of district courts in its area.

(2) There shall be one military court of appeal and it shall hear cases on the basis of appeals and protests against acts delivered by military courts across the country.

Article 102. (1) Court of appeal shall consist of judges and shall be headed by a chairman.

(2) The military court of appeal shall consist of judges and shall be headed by a chairman.

Article 103. Divisions, presided by the chairman or his deputies, may be set up in the court of appeal with a decision of the general meeting of appellate judges.

Article 104. (1) Courts of appeal shall have general assemblies comprising all judges. Chairmen of district courts shall may attend the meeting without the right to vote.

(2) General assemblies of courts of appeal shall discharge respectively the powers of district court general assembly.

(3) The general meeting may not examine and pass decisions in relation to matters concerning the organisation of the court activity, which are within the competence of the appellate court chairman.

(4) The general meeting shall be convened if more than half of all judges are present and shall pass decisions with a majority of more than half of the meeting judges.

Article 105. Courts of appeal shall sit in three-judge panels unless otherwise provided for by law.

Article 106. (1) The chairman of Court of appeal shall:

1. represent the court of appeal and take care of the general organisation and administrative management of the court;

2. elaborate, at the end of each six-month period, and submit to the Inspectorate with the Supreme Judicial Council and to the Minister of Justice summarised information on the institution, progress and conclusion of cases, as well as on effectively repealed acts of higher instances;

3. elaborate:

a) annual report on the activities of the court of appeal, district and regional courts in its judicial area and forward it by 31 March to the president of the Supreme Court of Cassation to be included in the annual report;

b) inquiries and electronic statistical data in a form approved by the Minister of Justice and forward them to the Supreme Judicial Council and to the Minister of justice;

4. allocate in the end of every three-year period appellate judges to divisions;
5. may preside courts panels of all court divisions;
6. carry out personally or assign to an appellate court judge inspections on the organisation of operations of district judges in the respective judicial area;
7. analyse and summarise the case-law of courts of appeal and district courts from the respective judicial area;
8. organise the enhancement of appellate court judges' professional qualifications;
9. convene appellate and district court judges to discuss the report under item 3(a), inspection reports and requests for interpretative judgements or rulings;
10. second judges under the provisions of Article 107;
11. appoint and remove from office judicial officers and organise the operation of different offices;
12. convene and preside the general meeting;
13. organise the publication of enforced acts on the website of the court of appeal;
14. publish the annual report about the activity of the court on the website of the court of appeal within one month after forwarding the report to the president of the Supreme Court of Cassation.

(2) The orders of the court chairman in relation to the organisation of the court operation shall be binding on all judges and clerks therein.

(3) The military court of appeal chairman shall have the respective powers regarding military courts.

Article 107. (1) Once in three years time, where the position of an appellate court judge is not occupied or a judge is prevented from discharging his duties and may not be replaced by another judge from the same court, the chairman of the court of appeal may second to his position for a period up to six months a district court judge holding the respective rank. The secondment of the judge shall be co-ordinated with his administrative head.

(2) The chairman of the military court of appeal shall second military court judges under the terms set out in paragraph 1.

Section VIII The Supreme court of cassation

Article 108. (1) The Supreme Court of Cassation shall be the highest judicial instance in civil and criminal proceedings. Its competence shall cover the whole territory of the Republic of Bulgaria.

(2) The Supreme Court of Cassation seat shall be located in Sofia.

Article 109. (1) The Supreme Court of Cassation shall consist of judges and shall be headed by a president.

(2) At the Supreme Court of Cassation there shall be criminal, civil and commercial colleges.

(3) Colleges shall be headed by the president or his deputies, who may preside panels in the respective college.

(4) Colleges shall be composed of divisions.

Article 110. The Supreme Court of Cassation shall sit in panels of:

1. three judges, unless provided otherwise by law.

2. general meeting of the criminal, civil or commercial college, where requests for delivering an interpretative judgement in criminal, civil or commercial administration of justice are reviewed;

3. general meeting of civil and commercial college, where requests for delivering an interpretative judgement on general matters of the civil and commercial administration of justice are reviewed.

Article 111. (1) The Plenum of the Supreme Court of Cassation shall consist of all judges.

(2) The Plenum shall:

1. determine composition of colleges and the number and composition of divisions;

2 discuss every year the report of the president about the activity of the Supreme Court of Cassation.

(3) The Plenum shall may not examine and pass decisions in relation to matters concerning the organisation of the court activity, which are within the competence of the president of the Supreme Court of Cassation.

(4) The Plenum of the Supreme Court of Cassation shall sit if more than half of all judges are present and shall pass decisions with a majority of more than half of the judges present.

Article 112. (1) The general meeting of the criminal, civil or commercial college shall be composed of the judges therein.

(2) The general meeting of the civil and commercial college shall be composed of the judges in the two colleges.

(3) The general meeting of each college shall be convened if more than half of the college judges are present and shall pass decisions with a majority of more than half of the judges present.

(4) The general college meeting for delivering interpretative judgements shall be convened if more than two thirds of the college judges are present, and in the cases referred to in Article 110, item 3 – if more than two thirds of the civil and commercial college judges are present. It shall pass judgements with a majority of more than half of all college(s) judges.

Article 113. (1) The following persons may take part in sessions of the Plenum:

1. The Prosecutor General or his deputy at the Supreme Cassation Prosecution Office;
2. chairmen of courts of appeal and other judges;
3. the chairman or member of the High Bar Council
4. the Minister of Justice.

(2) The president of the Supreme Court of Cassation shall inform the persons under paragraph 1 about the exact day and time of the meeting.

(3) The persons under paragraph 1 may give their opinion but shall not have the right to vote.

Article 114 (1) The president of the Supreme Court of Cassation shall:

1. carry out organisational management of the activity of the Supreme Court of Cassation and shall represent it;
2. convene and preside the hearings of the general meeting of the colleges and the Plenum of the Supreme Court of Cassation or assign this to his deputies;
3. make requests for delivering interpretative judgements and rulings;
4. make, jointly with his deputies, proposals to the Plenum concerning the allocation of judges to colleges and divisions;
5. may preside the panels in all departments;
6. carry out personally or assign to a judge at the Supreme Court of Cassation inspections on the organisation of operations of judges in courts of appeal;
7. elaborate and submit to the Inspectorate with the Supreme Judicial Council and the Minister of justice summarised information on the institution, progress and conclusion of cases at the end of each six-month period;
8. convene judges at the Supreme Court of Cassation and courts of appeal to discuss the inspection reports;
9. second judges under the provisions of Article 115;
10. appoint and remove from office judicial officers;
11. elaborate an annual report about the work of the Supreme Court of Cassation and publish it on the website of the Supreme Court of Cassation within one month after its elaboration;
12. organise the publication of enforced acts on the website of the Supreme Court of Cassation;
13. organise the publication of a monthly bulletin of the Supreme Court of Cassation.

(2) The president of the Supreme Court of Cassation shall elaborate a summarised annual report about the application of law and the work of courts, save for the administrative courts, and shall submit it to the Supreme Judicial Council by 30 April.

(3) The orders of the president in relation to the organisation of the court operation shall be binding on all judges and clerks therein.

Article 115 (1) Once in three years time, where the position of a Supreme Court of Cassation judge is not occupied or a judge is prevented from discharging his duties and may not be replaced by another judge from the same court, the president of the Supreme Court of Cassation may second to his position for a period up to six months a district or appellate court judge with at least 12 years legal experience.

(2) The secondment of the judge shall be co-ordinated with his administrative head.

Section IX The Supreme Administrative Court

Article 116 (1) The Supreme Administrative Court's competence shall cover the whole territory of the Republic of Bulgaria.

(2) The Supreme Administrative Court seat shall be located in Sofia.

Article 117. (1) The Supreme Administrative Court shall consist of judges and shall be headed by a president.

(2) At the Supreme Administrative Court there shall be colleges, headed by the president or his deputies, who may preside panels in the respective college.

Article 118. The Supreme Administrative Court shall sit in panels of:

1. three judges, unless provided otherwise by law.
2. general meeting of the college, where requests for delivering an interpretative judgement regarding administrative justice are reviewed;
3. general meeting of the colleges, where requests for delivering an interpretative judgement on general matters of administrative justice are reviewed.

Article 119. (1) The Plenum of the Supreme Administrative Court shall consist of all judges.

(2) The Plenum shall:

1. determine the number and composition of colleges and divisions in the Supreme Administrative Court;
- 2 discuss every year the report of the president about the activity of the Supreme Administrative Court.

(3) The Plenum shall may not examine and pass decisions in relation to matters concerning the organisation of the court activity, which are within the competence of the president of the Supreme Administrative Court.

(4) The Plenum of the Supreme Administrative Court shall be convened if more than half of all judges are present and shall pass decisions with a majority of more than half of the judges present.

Article 120. (1) The general meeting of the college shall be composed of the judges therein.

(2) The general meeting of the college shall be convened if more than half of the college judges are present and shall pass decisions with a majority of more than half of the judges present.

(3) The general college meeting for delivering interpretative judgements shall be convened if more than two thirds of the college judges are present, and in the cases referred to in Article 118, item 3 – if more than two thirds of the college judges are present, and shall pass judgements with a majority of more than half of all college(s) judges.

Article 121. (1) The following persons may take part in sessions of the Plenum:

1. The Prosecutor General or his deputy at the Supreme Administrative Prosecution Office;
2. chairmen of administrative courts and other judges;
3. the chairman or member of the High Bar Council;
4. the Minister of Justice.

(2) The president of the Supreme Administrative Court shall inform the persons under paragraph 1 about the exact day and time of the meeting.

(3) The persons under paragraph 1 may give their opinion but shall not have the right to vote.

Article 122 (1) The president of the Supreme Administrative Court shall:

1. carry out organisational management of the activity of the Supreme Administrative Court and shall represent it;
2. convene and preside the hearings of the Plenum and of the general meeting of the Supreme Administrative Court colleges;
3. carry out personally or assign to a judge at the Supreme Administrative Court inspections on the organisation of operations of administrative court judges;
4. convene judges at the Supreme Administrative Court and administrative courts to discuss the inspection reports;
5. may preside the panels in all departments;
6. make proposals for delivering interpretative judgements and rulings;
7. make, jointly with his deputies, proposals to the Plenum of the Supreme Administrative Court concerning the allocation of judges to colleges and divisions;
8. second judges under the provisions of Article 123;

9. appoint and remove from office judicial officers;
 10. elaborate an annual report about the work of the Supreme Administrative Court and publish it on the website of the Supreme Administrative Court within one month after its elaboration;
 11. elaborate and submit to the Inspectorate with the Supreme Judicial Council and the Minister of Justice summarised information on the institution, progress and conclusion of cases at the end of each six-month period;
 12. organise the publication of enforced acts on the website of the Supreme Administrative Court;
 13. organise the publication of a monthly bulletin of the Supreme Administrative Court.
- (2) The president of the Supreme Administrative Court shall elaborate a summarised annual report about the application of law and the work of the administrative courts and shall submit it to the Supreme Judicial Council by 30 April.
- (3) The orders of the president in relation to the organisation of the court operation shall be binding on all judges and clerks therein.

Article 123. (1) Once in three years time, where the position of a Supreme Administrative Court judge is not occupied or a judge is prevented from discharging his duties and may not be replaced by another judge from the same court, the president of the Supreme Administrative Court may second to his position for a period up to six months an administrative court judge with at least 12 years legal experience.

(2) The secondment of the judge shall be co-ordinated with his administrative head.

Section X Interpretative judgements and interpretative rulings

Article 124. (1) In the event of contradictory or inaccurate case-law concerning the interpretation and application of the law an interpretative judgment shall be passed by the general meeting of:

1. the criminal, civil or commercial college of the Supreme Court of Cassation;
2. the civil and commercial colleges of the Supreme Court of Cassation;
3. a college at the Supreme Administrative Court;
4. colleges at the Supreme Administrative Court;

(2) In the event of contradictory or inaccurate case-law between the Supreme Court of Cassation and the Supreme Administrative Court the general meeting of judges in the respective colleges of the two courts shall pass a joint interpretative ruling.

Article 125. Requests for delivering interpretative judgments or interpretative rulings may be filed by the president of the Supreme Court of Cassation, the president

of the Supreme Administrative Court, the Prosecutor General, the Minister of Justice, the Ombudsman or the chairman of the High Bar Council.

Article 126. Requests under Article 125 shall be filed as follows:

1. in relation to interpretative judgments under Article 124, para 1 – with the general meeting of the respective college or colleges;
2. in relation to interpretative rulings under Article 124, para 2 – with the general meetings of judges in the respective colleges of the Supreme Court of Cassation and the Supreme Administrative Court.

Article 127. (1) Requests shall be made in writing and shall be reasoned.

(2) The request shall contain the following information:

1. the provision of the legal act and an overview of the points of contention regarding its application;
2. the effective judicial acts, which contain contradictory or inaccurate case-law;
3. the essence of the request.

Article 128. (1) The president of the court where the request is filed shall institute by way of an order a case and shall assign it to one or several judges rapporteurs.

(2) The president of the Supreme Court of Cassation and the president of the Supreme Administrative Court shall, by way of a joint order, initiate and schedule a hearing for delivering an interpretative judgment of the general meeting of the respective colleges of the two courts.

(3) The hearing referred to in para 1 or 2 shall be scheduled within two months as of the receipt of the request.

Article 129. (1) The sessions of the general meeting for delivering interpretative judgement or interpretative ruling may be attended by the following persons:

1. the Prosecutor General or a deputy designated by him;
2. the Minister of Justice or a deputy designated by him;
3. the chairman of the High Bar Council or a member of the Council designated by him.

(2) The president of the court where the request has been filed may invite other lawyers as well as the Ombudsman to attend.

(3) The persons referred to in paras 1 and 2 shall be notified of the day and time of the hearing and shall be served a copy of the request with attachments thereto.

(4) The persons referred to in paras 1 and 2 may voice their opinion but shall not have the right to vote.

(5) Minutes of the sessions of the general meeting shall be kept; the minutes shall be signed by the president and by the recording secretary.

Article 130. (1) The interpretative judgements and interpretative rulings shall be passed and shall be announced within three months as of the receipt of the request. (2) interpretative judgements and interpretative rulings shall be binding on the bodies of the judiciary and the executive, the local government bodies as well as on all bodies issuing administrative acts.

Article 131. The interpretative judgements shall be published annually in a bulletin, issued by either the Supreme Court of Cassation or the Supreme Administrative Court, and the interpretative rulings – in both bulletins.

Chapter five COURT HEARINGS

Article 132 (1) Courts shall examine cases at public hearings.

(2) The public nature of trials may be restricted only by law. In all cases the verdict shall be announced in public.

(3) Judges shall be obliged to announce their acts following the procedure and period provided for by law.

Article 133. (1) Court hearings shall take place in the court building where the seat of the court is located.

(2) In extraordinary cases court panel may decide to have a hearing in another following a permission by the court chairman.

Article 134 (1) Judges and prosecutors shall attend hearings in togas.

(2) Military judges, military prosecutors and military investigators shall attend hearings in military uniforms.

(3) Jurors shall attend hearings wearing clothes specified in the ordinance under Article 75.

Article 135 (1) The presiding member of a court panel shall be the most senior judge among its members.

(2) The presiding judge shall manage the court hearing and maintain order in the court room and may penalise offenders of court order in accordance with procedural law.

(3) The dispositions of the presiding judge shall be binding on all persons present in the court room. They may be revoked by court panel.

Chapter six PROSECUTION OFFICE

Article 136 (1) The Prosecution Office in the Republic of Bulgaria shall consist of a Prosecutor General, a Supreme Administrative Prosecution Office, a Supreme Cassation Prosecution Office, appellate, military-appellate, district, military-district and regional prosecution offices.

(2) Administrative departments shall be set up in the district prosecution offices and the prosecutors therein shall take part in the proceedings on administrative cases.

(3) The prosecution office shall be unified and centralised. Each prosecutor shall be subordinated to the respective higher-standing prosecutor and all prosecutors shall be subordinated to the Prosecutor General.

(4) Military prosecutors and investigators shall be independent of military authorities in discharging their official duties.

Article 137. The prosecution office shall be a legal person on budget support with a seta located in Sofia.

Article 138. The Prosecutor General shall:

1. manage the prosecution office;
2. organise and allocate the work to his deputies;
3. appoint and dismiss clerks at the Supreme Cassation Prosecution Office, the Supreme Administrative Prosecution Office and the administration of the Prosecutor General;
4. issue instructions and guidelines on prosecution office operation.

Article 139. (1) The Prosecutor General shall be assisted by deputies at the Supreme Cassation Prosecution Office and the Supreme Administrative Prosecution Office and may delegate his powers to them unless otherwise provided for by law.

(2) The Prosecutor General and his deputies may revoke or modify in writing acts issued by lower-standing prosecutors unless they have been an object of judicial review.

Article 140. The administrative heads of regional, district, military-district, appellate and military-appellate prosecution offices shall organise and manage their operation, appoint and dismiss judicial officers.

Article 140. (1) The Prosecutor General shall, by 30 April, forward to the Supreme Judicial Council a summarised annual report on law application and the operation of the Prosecution Office and investigative bodies.

(2) Regional, district and military- district prosecution offices shall submit quarterly to the Prosecutor General information on investigations.

(3) The procedure for furnishing information on the investigations conducted by police investigators shall be regulated in a joint instruction issued by the Prosecutor General and the Minister of Interior.

Article 141. (1) The Prosecutor General shall carry out inspections in person or through prosecutors designated by him and control the work of all prosecutors.

(2) Prosecutors from appellate and district prosecution offices shall carry out inspections and control lower-standing prosecution work.

(3) Every six months regional, district, and appellate prosecution offices as well as the Prosecutor General, Supreme Cassation Prosecution Office and Supreme Administrative Prosecution Office shall elaborate and submit to the Inspectorate with the Supreme Judicial Council and to the Minister of Justice summarised information on the institution and progress of case-files.

Article 143 (1) All acts and actions of prosecutors may be appealed directly before the higher-standing prosecution office unless they are subject to judicial review.

(2) Prosecutors of higher position and the prosecutor from the higher-standing prosecution office may take actions falling within the competence of subordinated prosecutors, and may suspend and revoke in writing their dispositions in the cases provided for by law.

(3) Dispositions in writing of prosecutors of higher position shall be binding on their subordinated prosecutors.

Article 144 (1) The prosecutor shall lead the investigation in the capacity of a supervising prosecutor.

(2) Where the supervising prosecutor may not take part in the court hearing of a case for good reasons, the higher-standing prosecutor shall designate another prosecutor who shall replace him.

(3) The respective regional or district prosecutor shall give annually an opinion in writing regarding the work of the police investigator, a copy of which shall be forwarded to the chief police investigator.

Article 145 (1) In discharging their statutory functions the prosecutor may:

1. request documents, information, explanations, expert opinions and other materials;

2. make inspections in person;

3. assign inspections and audits to be made by the respective bodies within a period set by him where information for criminal offence or illegal acts or actions is available and demand that they present conclusions or all materials upon request.

4. summon citizens or authorised representatives of legal persons, and in case of failure to appear for no good reasons he may issue a disposition to bring them coercively;

5. send materials to competent bodies where he finds that there are grounds to seek liability or impose coercive administrative measures he may not attend to in person;

6. apply statutory measures where information is available that a publicly actionable criminal offence or another infringement may be committed.

(2) Prosecutor's dispositions issued in accordance with his competence and the law shall be binding on state bodies, officials, legal persons and citizens.

(3) State bodies, legal persons and officials shall be obliged to assist prosecutors in exercising their powers and to provide access to the respective premises and venues.

(4) Prosecutors may, within their competence and in compliance with the law, give mandatory dispositions in writing to police bodies.

(5) Prosecutors may protest and request rescission or modification of illegal administrative acts following the statutory procedure and within the statutory periods. They may also suspend the execution of the act until the protest is examined by the respective body.

Article 146 (1) While prosecutors exercise supervision of legality over execution of punishments and other coercive measures and detention facilities they may:

1. visit, without prior permission by the respective administrations, detention facilities and prisons and centres for execution of other coercive measures and check documents on the basis of which the persons were detained;

2. talk in private with the persons detained or placed;

3. examine proposals, signals, complaints and applications related to the execution of punishments and other coercive measures provided for by law;

4. order in writing the bodies in charge of execution of punishments and administrations of centres for execution of other coercive measures to be informed on actions, acts and events.

(2) To eliminate and prevent infringements under paragraph 1, the prosecutors may:

1. release immediately anyone detained illegally in detention facilities or in centres for execution of other coercive measures;

2. give mandatory dispositions in writing to eliminate the infringements found;

3. suspend execution of illegal written orders and dispositions of officials and request that they be rescinded under the respective procedure.

Article 147. Where appropriate for official purposes, district and appellate prosecution offices and the Prosecutor general may second to their areas or the entire country, respectively, prosecutors under the terms provided for in this Act regarding secondment of judges.

Chapter seven INVESTIGATIVE SERVICES

Article 148. (1) Investigative services shall be the National Investigation Service and district investigation services.

(2) The investigation service in Sofia shall have the powers of a district investigation service.

Article 149. (1) The National Investigation Service shall be a legal person on budget support with a seat located in Sofia.

(2) The National Investigation Service shall consist of investigators.

(3) The National Investigation Service shall have specialised departments for investigating cases of particular factual and legal complexity, of crimes committed abroad, requests for legal co-operation, as well as for investigating in other cases provided for by law.

Article 150. (1) The National Investigation Service shall be directed by a director who shall:

1. represent the National Investigation Service;
2. provide organisational, administrative and methodical guidance of investigators and clerks at the National Investigation Service and district investigation services;
3. appoint and remove from office National Investigation Service clerks;
4. second investigators and clerks from the National Investigation Service or its district investigation services where necessary for official purposes;
5. co-ordinate investigative services' activity in the course of investigation and interaction with other public bodies;
6. demand, analyse and summarise information submitted by the investigation services and departments on the state and effectiveness of their operation and take actions to improve and perfect it;
7. elaborate by 31 March an annual report on the operation of all investigative services and forward it to the Prosecutor General to be included in the summarised annual report;
8. every six months elaborate and submit to the Inspectorate with the Supreme Judicial Council and to the Minister of Justice summarised information on the institution and progress of cases.

Article 151. (1) The district investigation services shall be legal persons on budget support.

(2) The district investigation services shall consist of investigators and junior investigators.

(3) Investigative units on a territorial principle or according to types of cases as well as support units may be set up in the district investigation services.

Article 152. The district investigation service shall conduct the investigation on all cases provided for by law save for those within the competence of the National Investigation Service.

Article 153. (1) District investigation services shall be directed by directors, who shall:

1. represent the district investigation service and be responsible for its operation;
2. provide general organisational, administrative and methodical guidance of the investigation service;
3. second investigators and clerks from the investigation service where necessary for official purposes;
4. appoint and remove from office investigation service clerks;
5. elaborate a six-month and annual report on the operation of the investigation service and forward it to the Director of the National Investigation Service;
6. in the end of every six month period elaborate and submit to the Inspectorate with the Supreme Judicial Council and to the Minister of Justice summarised information on the institution, progress and conclusion of cases.

Article 154. The dispositions of the investigators in relation to the investigation shall be binding on all public bodies, legal persons and citizens.

Chapter Eight OATH

Article 155. Upon initially assuming office, each judge shall take the following oath, “In the name of the people, I take my oath that I shall strictly abide by the Constitution and the laws of the Republic of Bulgaria; I shall discharge my duties following my conscience and internal beliefs, I shall be impartial, objective and fair; I shall contribute to raising the prestige of the profession; I shall keep the secret of the deliberation, always remembering that I am responsible before the law for everything. I have taken my oath!”.

Article 156. Upon initially assuming office, each prosecutor and investigator shall take the following oath, “In the name of the people, I take my oath that I shall strictly abide by the Constitution and the laws of the Republic of Bulgaria; I shall discharge my duties following my conscience and internal beliefs, I shall be impartial, objective and fair; I shall contribute to raising the prestige of the profession; I shall keep the secret of the deliberation, always remembering that I am responsible before the law for everything. I have taken my oath!”.

Article 157. (1) The oath shall be taken before the judges, prosecutors and investigators of the respective body of the judiciary.

(2) A writ of oath shall be signed after the oath has been taken.

Article 158. Upon initially assuming office, each public enforcement agent and recordation judge shall put his signature to the following writ of oath, “In the name of the people, I take my oath that I shall strictly abide by the Constitution and the laws of the Republic of Bulgaria; I shall discharge my duties honestly and in good faith; I shall keep the secret of cases assigned to me, always remembering that I am responsible before the law for everything. I have taken my oath!”.

Article 159. Persons who refuse to take the oath or put their signature to the writ of oath may not assume office.

Chapter Nine STATUS OF JUDGES, PROSECUTORS, AND INVESTIGATORS

Section I Appointment and dismissal

Article 160. Judges, prosecutors, investigators, administrative heads and administrative heads deputies, save for the president of the Supreme Court of Cassation, the president of the Supreme Administrative Court and the Prosecutor General shall be appointed, promoted, demoted, moved and dismissed from office by way of a decision of the Supreme Judicial Council.

Article 161. (1) On the basis of the decision of the Supreme Judicial Council for promoting, demoting and moving judges, prosecutors and investigators, the administrative head shall issue an act for assuming the office, which shall contain the following:

1. the name of the body of the judiciary where the office will be taken;
2. the legal grounds for taking the office;
3. the title and rank of the office;
4. the size of the basic and additional remunerations;
5. the date of assuming office.

(2) The office shall be assumed within one month as of delivering the decision of the Supreme Judicial Council and shall be certified in writing before the administrative head of the respective body of the judiciary.

(3) Judges, prosecutors and investigators shall commence discharge of their official duties as of assuming office.

(4) Those appointed as military judges, military prosecutors or military investigators shall be enlisted in career military service and officer ranks shall be conferred upon them.

Article 162. Only persons holding exclusively Bulgarian citizenship may be appointed judges, prosecutors and investigators provided they:

1. hold a degree in law;
2. have completed the internship specified in this law, and acquired legal capacity;
3. possess the necessary moral and professional qualities in line with the professional code of conduct of judges, prosecutors and investigators;
4. have not been convicted to imprisonment for intentional criminal offence, regardless of rehabilitation;
5. are not suffering from a mental disorder.

Article 163. There shall be the following positions for judges, prosecutors and investigators positions:

1. judge at the Supreme Court of Cassation, judge at the Supreme Administrative Court; prosecutor at the Supreme Prosecution Office of Cassation, prosecutor at the Supreme Administrative Prosecution Office, and investigator at the National Investigation Service;
2. judge at a court of appeal and prosecutor at an appellate prosecution office;
3. judge at a district court; judge at an administrative court; prosecutor at a district prosecution office; and investigator at a district investigation service;
4. judge at a regional court and prosecutor at a regional prosecution office;
5. junior judge, junior prosecutor and junior investigator.

Article 164. (1) Persons with length of service of at least three years shall be appointed judges in regional courts, prosecutors in regional prosecution offices and investigators in district investigation services.

(2) Persons with length of service of at least eight years shall be appointed judges in district courts and prosecutors in district prosecution offices.

(3) Persons with length of service of at least eight years shall be appointed judges in administrative courts.

(4) Persons with length of service of at least ten years shall be appointed judges in courts of appeal and prosecutors in appellate prosecutor offices.

(5) Persons with length of service of at least twelve years shall be appointed judges in the Supreme Court of Cassation and the Supreme Administrative Court, prosecutors in the Supreme Prosecution Office of Cassation and in the Supreme Administrative Prosecution Office, and investigators in the National Investigation Service.

(6) The length of service at a position or in a profession for which a degree in law is required, including length of service of persons holding a degree in law and occupying the position of police investigator within the system of the Ministry of Interior or investigator at the Ministry of Defence, shall be recognised as a general length of service under paragraphs 1 to 5.

(7) The length of service as judge in an international court set up pursuant to an international agreement to which the Republic of Bulgaria is a party, or founded in the

framework of an international organisation, of which the Republic of Bulgaria is a member, shall be recognised as a general length of service under paragraphs 1 to 5.

Article 165. (1) Judges, prosecutors and investigators shall be dismissed from office in case of:

1. reaching the age of 65;
2. handing in resignation;
3. effective custodial sentence for an intentional criminal offence;
4. permanent effective incapacity to discharge their official duties for more than a year;
5. imposed disciplinary sanction ‘disciplinary removal from office’;
6. ruling of the Supreme Judicial Council whereby acquiring tenure is rejected;
7. incompatibility with positions and activities under Article 195, paragraph 1;
8. resumption of positions subject to temporary substitution;
9. reinstatement in office following unlawful dismissal.

(2) Junior judges, junior prosecutors, and junior investigators shall be dismissed from office also in the event where they fail a second time the examination under Article 258, para 4.

(3) Judges, prosecutors and investigators who have acquired tenure shall be dismissed from office only on the grounds stated in Article 129, para 3 of the Constitution of the Republic of Bulgaria and in the cases under paragraph 1, item 7.

(4) Judges, prosecutors and investigators who have retired pursuant to paragraph 1, item 1, may not hold positions in the bodies of the judiciary.

Article 167. (1) The administrative heads in the bodies of the judiciary shall be as follows:

1. president of the Supreme Court of Cassation, president of the Supreme Administrative Court, Prosecutor General and director of the National Investigation Service;
2. chairman of a court of appeal and of a military court of appeal, appellate and military appellate prosecutor;
3. chairman of a district, administrative and military court, district and military district prosecutor and director of district investigation service;
4. chairman of a regional court and regional prosecutor.

(2) The term of office of the administrative heads shall commence on the day of his assuming office.

Article 168. (1) In discharging his duties the administrative head shall be assisted by a deputy.

(2) The administrative head deputy shall be appointed for a renewable five-year term of office. The term of office shall commence on the day of his assuming office.

(3) Administrative heads shall assign, by way of a written order, all or some of his functions to his deputy in all cases of absence. Where an administrative head has

not designated a deputy, his functions shall be discharged by one of his deputies in order of seniority.

Article 169. A judge, prosecutor or investigator may be appointed administrative head, save for president of the Supreme Court of Cassation, president of the Supreme Administrative Court and Prosecutor General, or deputy administrative head.

Article 170. (1) A person satisfying the requirements under Article 164, para 4 shall be appointed administrative head of regional, district or administrative court, district prosecution office and district investigation service.

(2) A person satisfying the requirements under Article 164, para 5 shall be appointed administrative head of the Supreme Court of Cassation, the Supreme Administrative Court, the Supreme Prosecution Office of Cassation, the Supreme Administrative Prosecution Office, court of appeal, appellate prosecution office and the National Investigation Service.

Article 171. (1) The Supreme Judicial Council shall pass decisions for appointment of administrative heads or administrative head deputies with a majority of more than half of its members.

(2) In the event where none of the proposed nominees receives the required majority of votes, the election shall continue for those two nominees who have received the greatest number of votes.

Article 172. (1) President of division or college in court and head of department in the prosecution offices and the investigation services shall be administrative positions.

(2) The presidents of divisions shall administer cases in the division and may preside the court panels therein.

(3) The presidents of division in court and the heads of departments in the prosecution offices and the investigation services shall be appointed by the respective administrative head.

Article 173. (1) The procedure for election of nominees for president of the Supreme Court of Cassation, president of the Supreme Administrative Court and the Prosecutor General shall be launched by the Supreme Judicial Council not earlier than two months and not later than one month prior to the expiry of the term of office or within seven days after the circumstances under Art. 175, para 1 have occurred.

(2) Proposals for nominations may be made by at least one fifth of the Supreme Judicial Council members as well as by the Minister of Justice.

(3) Proposals shall be made at two consecutive sessions following the session when the decision to open the procedure was passed.

(4) The proposal shall be made in writing and a form with information about the nominee's career record, as approved by the Supreme Judicial Council, shall be enclosed thereto.

(5) The proposals shall be submitted for consideration to the Supreme Judicial Council by the Presiding Member not later than seven days before the meeting when they are to be examined.

(6) The Supreme Judicial Council shall pass the decision for election of a nominee by secret ballot with a majority of two thirds of its members.

(7) In case no nominee has collected more than two thirds of the votes of the Supreme Judicial Council members in the first voting, the election procedure shall continue for those two nominees who have received the greatest number of votes.

(8) In the event that the President of the Republic of Bulgaria declines to appoint the nominee proposed by the Supreme Judicial Council and a new proposal is filed, the election shall follow the procedure set out in paragraphs 1 to 7.

Article 174. (1) The Director of the National Investigation Service shall be elected following the procedure under Article 173, paragraphs 2 to 5 and 7 with a majority of more than half of the Supreme Judicial Council members.

(2) The term of office of the Director of the National Investigation Service shall commence as of the day of assuming office.

Article 175. (1) Administrative heads or administrative heads' deputies shall be dismissed ahead of term on the grounds specified in Article 129, para 3 of the Constitution of the Republic of Bulgaria.

(2) Administrative heads or administrative heads' deputies shall be dismissed ahead of term also in the event where they have been dismissed ahead of term as a judge, prosecutor or investigator on the grounds specified in Article 129, para 3, items 2 to 5 of the Constitution of the Republic of Bulgaria.

(3) Proposals for dismissal ahead of term of administrative heads and their deputies, save for the president of the Supreme Court of Cassation, the president of the Supreme Administrative Court and the Prosecutor General, shall be made in writing:

1. not earlier than two months and not later than one month prior to expiry of the term of office or reaching the age of 65;

2. within three days after the circumstances envisaged in Article 129, paragraph 3, items 2 to 5 have become known.

(4) In the event of pre-term discontinuation of the term of office of administrative heads, a person shall be appointed whose term of office shall commence as of the day of taking office. By the time a new administrative head takes office, his powers shall be exercised by a deputy designated by the Supreme Judicial Council.

(5) Grounds for dismissing the president of the Supreme Court of Cassation, the president of the Supreme Administrative Court and the Prosecutor General ahead of

term shall be established by the Supreme Judicial Council by way of a decision adopted following the procedure set out in Article 173, following which a proposal for dismissal shall be referred to the President of the Republic of Bulgaria.

(6) Grounds for dismissing the director of the National Investigation Service ahead of term shall be established by the Supreme Judicial Council by way of a decision adopted following the procedure set out in Article 173, paragraphs 2 to 5 and 7.

Section II Competitions for appointment, promotion, and moving of judges, prosecutors and investigators

Article 176. (1) To assume an office in the bodies of the judiciary, a centralised competition shall be held for:

1. junior judges, junior prosecutors and junior investigators;
2. initial appointment.

(2) The competition under paragraph 1, item 1 shall be held at least once a year and not later than three months after it has been announced.

(3) The competition under paragraph 1, item 2 shall be held at least twice a year and not later than two months after it has been announced.

Article 177. (1) The Supreme Judicial Council shall, on a proposal of the administrative heads of the bodies of the judiciary, plan positions of junior judges, junior prosecutors and junior investigators for the following year.

(2) Thus planned positions of junior judges, junior prosecutors and junior investigators may not be changed after the competition has been announced.

(3) Vacant positions of junior judges, junior prosecutors and junior investigators may not be transformed in positions of judges, prosecutors and investigators.

Article 178. (1) The Supreme Judicial Council shall determine by lot twenty percent of the vacancies in courts, prosecution offices and investigation services for initial appointment by competition.

(2) The percent under paragraph 1 shall be determined separately for each level in the courts, prosecution offices and investigation services.

Article 179. The Supreme Judicial Council shall publish vacancies for junior judges, junior prosecutors and junior investigators and vacancies for initial appointment in the State Gazette and in one central daily newspaper as well as on the Supreme Judicial Council website.

Article 180. (1) The Supreme Judicial Council shall announce a separate competition for every body of the judiciary by way of publishing the decision in the

State Gazette and in one central daily newspaper as well as on the Supreme Judicial Council website.

(2) The announcement under paragraph 1 shall contain the following information:

1. the number and type of positions as well as the respective body of the judiciary they refer to;
2. the documents required, as well as the term and place for submitting them;
3. the programme, followed in the competition;
2. the day, time and place of holding the competition.

Article 181. (1) Persons who satisfy the requirements set out in Article 162 may apply for a competition for junior judges, junior prosecutors and junior investigators.

(2) Persons who satisfy the requirements set out in Article 162 and have the length of experienced required for the position, for which the competition is announced, may apply for an initial appointment competition.

(3) Applicants shall file the competition documents with the Supreme Judicial Council administration.

Article 182. (1) The Commission on Proposals and Appraisal of judges, prosecutors and investigators shall run check of the documents and shall admit to the competition all applicants, who satisfy the criteria under Article 181, para 1 or 2.

(2) The lists of applicants who have and have not been admitted to the competition shall be published on the Supreme Judicial Council website at least seven days prior the date on which the competition will be held.

(3) In the list of applicants who have not been admitted to the competition grounds for non-admittance shall be stated.

Article 183. (1) The competition shall be held by a competition committee comprising of a chairperson, four incumbent and two deputy members. Depending on the number of applicants, the Supreme Judicial Council may set up more than one committee.

(2) At least one of the regular committee members shall be academic in the field of legal science.

(3) The initial appointment competition committee members shall hold a rank identical or higher than the rank of the announced vacant position.

(4) The particular composition of the competition committee shall be determined by way of a decision of the Supreme Judicial Council.

Article 184. (1) The competition shall consist of a written and an oral test, graded according to the six-grade system.

(2) The written test shall be anonymous and shall consist of a case in the respective legal field to be solved.

(3) The results from the written and oral tests shall be announced on a publicly accessible place in the premises of the Supreme Judicial Council and on its website within three days as of the competition committee signing the protocol.

(4) Only applicants having passed the written test with a grade at least 'very good 4,50' shall be admitted to the oral test.

(5) The oral test shall be held not earlier than seven days as of the announcement referred to in paragraph 3.

Article 185. (1) The competition committee shall announce the results of the oral test within seven days as of holding the test on a publicly accessible place in the premises of the Supreme Judicial Council and on its website.

(2) Within seven days as of the announcement of the results under paragraph 1 the successful applicants shall file an application whereby they confirm their participation in the ranking for the particular position and the particular body of the judiciary, for which they apply.

(3) Applicants who have failed to file the application referred to in paragraph 2 shall not take part in the ranking.

Article 186. (1) The competition committee shall draw a ranking of the applicants for every position according to their rating, formed by the sum of the grades of the written and oral test and the overall grade of the state exams.

(2) The chairperson of the competition committee shall make a proposal to the Supreme Judicial Council for the appointment of applicants under paragraph 1.

(3) The Supreme Judicial Council shall pass a decision for the appointment of applicants according to their ranking up to filling the positions, for which the competition has been held.

Article 187. (1) Each interested applicant may appeal the Supreme Judicial Council decision under Article 186, para 3 within seven days as of passing the decision.

(2) In the event of a filed appeal under paragraph 1 applicant shall not assume office.

(3) The Supreme Administrative Court shall examine the appeal in a three-member panel, its decision being final.

Article 188. (1) The Supreme Judicial Council administration shall be responsible for the organisation of the competitions.

(2) The procedure for filing applications for the competition, setting up the committees, holding the competition and grading the applicants shall be determined in an ordinance of the Supreme Judicial Council, which shall be promulgated in the State Gazette.

Article 189. (1) Vacancies in courts, prosecution offices and investigation services outside those under Article 178 shall be announced by the Supreme Judicial Council following the procedure under Article 179 and shall be occupied following a competition, which will be held through an appraisal.

(2) Promotion in position shall be moving to a higher-ranking position in a body of the judiciary.

(3) Moving shall be moving to a position of the identical ranking in a body of the judiciary.

Article 190. The announcement under Article 189, para 1 shall be made together with the announcement of the vacancies for initial appointment and shall contain the number and type of positions and the bodies of the judiciary to which they refer.

Article 191. (1) Applicants for the vacancies under Article 189, para 1 may be judges, prosecutors or investigators with the length of experience specified in Article 164 for the respective vacancy announced.

(2) Applicants shall file in documents at the Supreme Judicial Council.

(3) The Commission on Proposals and Appraisal of judges, prosecutors and investigators shall run checks of the documents of all applicants.

(4) A list of all applicants shall be announced on the Supreme Judicial Council website; for applicants failing to comply with the requirements the grounds shall be specified.

Article 192. (1) The Commission on Proposals and Appraisal of judges, prosecutors and investigators shall evaluate every applicant who complies with the requirements for the announced vacancies, save for those applicants who have been evaluated in the course of the year preceding the announcement of the vacancies.

(2) The results from the evaluation under paragraph 1 shall be announced on the Supreme Judicial Council website after all applicants have been evaluated.

(3) Every judge, prosecutor or investigator shall, within seven days as of the announcement under paragraph 2, file an application confirming his participation in the ranking for the position and body of the judiciary, for which he applies.

(4) Applicants who have failed to file the application referred to in paragraph 3 shall not take part in the ranking.

Article 193. (1) The chairman of the Commission on Proposals and Appraisal of judges, prosecutors and investigators shall present to the Supreme Judicial Council a grounded opinion summarising the results from the evaluation of all applicants.

(2) The Supreme Judicial Council shall make a ranking for every position according to the results of the appraisal.

(3) In the event where several applicants for one position have identical evaluations, preference shall be given to the applicant holding a senior rank. Where

applicants hold identical ranks, preference shall be given to the applicant with longer experience in the bodies of the judiciary.

Article 194. (1) The Supreme Judicial Council shall pass a decision for promotion or moving of judges, prosecutors or investigators in accordance with the ranking and up to filling in the vacancies.

(2) The decision under paragraph 1 may be appealed following the terms and procedure set out in Article 187.

Section III Incompatibility

Article 195. (1) While in office judges, prosecutors and investigators may not:

1. be Members of Parliament, mayors or municipal counsellors;
- 2 hold office in state or municipal bodies, or institutions of the European Union;
3. practice commercial activity or be a partner, manager or take part in supervisory, managing boards or boards of directors, or in controlling bodies of companies and co-operatives or non-profit-making legal persons that carry out commercial activities, save for those of professional organisations of judges, prosecutors and investigators;
4. receive remuneration for performing operations under a service or employment contract with state, municipal or public organisation, commercial partnership, co-operative, not-for-profit legal person, natural person or sole trader, save for research and teaching, drafting legal instruments and exercise of copyright;
5. exercise freelance or other paid professional activities;
6. be a member of political parties or coalitions, of organisations set up for political purposes, carry out political activity or be a member of or perform activities affecting his independence;
7. be a member of trade unions outside the system of the judiciary.

(2) Upon vacating the positions under paragraph 1, item 1 ministers and deputy-ministers, who have filed in an application to the Supreme Judicial Council within 14 days as of their dismissal, shall be reinstated in the position in bodies of the judiciary they have held before, and the time in office at the respective position shall be accounted for as length of service for the purposes of Article 164, paragraphs 1 to 5.

Section III Appraisal. Tenure

Article 196. Appraisal shall be conducted in the event of:

1. acquiring tenure;
2. promotion in position or moving;
3. promotion in rank;

4. periodic appraisal every five years as of the last appraisal up to turning the age of 60.

Article 197. Appraisal of the qualification of judges, prosecutors or investigators shall be made following general and specific criteria.

Article 198. (1) The general criteria for the appraisal of judges, prosecutors or investigators shall be:

1. number, type, complexity and workload related to case-files and cases;
2. compliance with statutory periods;
3. number of effective and rescinded acts and the grounds therefore;
4. comprehensible and grounded reasoning of acts;
5. results from the checks conducted by the Inspectorate with the Supreme Judicial Council;
6. incentives and sanctions during the period for which the appraisal is made;
7. observance of the professional code of conduct of judges, prosecutors and investigators.

(2) In the appraisal an account shall be made of the general workload of the respective judicial area and body of the judiciary, as well as of the workload of the evaluated judge, prosecutor or investigator as compared to other judges, prosecutors or investigators from the same body of the judiciary.

Article 199. (1) Specific criteria for evaluating a judge shall be:

1. observing the time schedule for court hearings;
2. skills to manage a court hearing and to make a record.

(2) Specific criteria for evaluating a prosecutor shall be:

1. skills to plan and structure actions in the pre-trial and court proceedings;
2. following written guidelines and instructions of higher-standing prosecutors;
3. skills to organise the work and management of the investigating bodies and teams taking part in the pre-trial proceedings.

(3) Specific criteria for evaluating an investigator shall be:

1. skills to plan and structure actions in the pre-trial and court proceedings;
2. following written guidelines and instructions of prosecutors;

Article 200. (1) The appraisal of administrative heads or administrative heads' deputies shall comprise of an evaluation of their qualification as judge, prosecutor or investigator and the evaluation for the managing position held.

(2) Evaluation of their qualification shall be made on the basis of the general and specific criteria for judges, prosecutors and investigators.

Article 201. (1) The evaluation criteria for the managing position held shall be:

1. ability for team work and assignment of tasks;
2. decision-taking abilities;

3. representation.

(2) In evaluating administrative heads or administrative heads' deputies, the results of the operation of the body of the judiciary they manage shall be analysed and accounted for.

(3) Indicators for evaluating representation shall be:

1. behaviour that enhances the prestige of the judiciary;
2. skills to communicate with other state bodies, citizens and legal persons.

Article 202. (1) The complex result of the appraisal may be positive or negative.

(2) Degrees of positive complex evaluation shall be:

1. satisfactory;
2. good;
3. very good.

Article 203. (1) The appraisal of judges, prosecutors or investigators shall be made by way of:

1. decision of the Commission on Proposals and Appraisal of judges, prosecutors and investigators;

2. proposal of a person under Article 38, para 2 or 3.

(2) The proposal for appraisal to acquire tenure or for a periodic appraisal shall be made not later than three months prior to the expiry of the five-year period.

(3) In the cases under Article 196 para 5, the Commission on Proposals and Appraisal of judges, prosecutors and investigators shall make an appraisal of all applicants.

Article 204. (1) The Commission on Proposals and Appraisal of judges, prosecutors and investigators may assign to the assisting appraisal commission inspection of the work of the evaluated judge, prosecutor, investigator, administrative head or administrative head deputy according to the evaluation indicators.

(2) In the cases referred to in paragraph 1 the assisting appraisal commission shall submit to the Commission on Proposals and Appraisal of judges, prosecutors and investigators a summarised report of the results of the inspection together with a proposal for a complex evaluation.

(3) For the purposes of the appraisal the Commission on Proposals and Appraisal of judges, prosecutors and investigators may hear the evaluated judge, prosecutor, investigator, administrative head or administrative head deputy, and may gather other additional information in relation to the appraisal indicators.

Article 205. (1) The Commission on Proposals and Appraisal of judges, prosecutors and investigators shall, prior to lodging them for discussion in the Supreme Judicial Council, provide the results of the appraisal to the evaluated persons.

(2) The evaluated persons may lodge an objection in writing, which he presents to the Commission on Proposals and Appraisal of judges, prosecutors and investigators.

(3) The Commission on Proposals and Appraisal of judges, prosecutors and investigators shall review the objection and issue an opinion on it.

Article 206. (1) Within fourteen days following the conclusion of the appraisal, the Commission on Proposals and Appraisal of judges, prosecutors and investigators shall present to the Supreme Judicial Council the results from the appraisal, the written objection, if such has been lodged, and its opinion on it, as well as its proposal for a complex evaluation.

(2) Where the Commission on Proposals and Appraisal of judges, prosecutors and investigators has proposed a negative evaluation, the Supreme Judicial Council shall hear the evaluated. The evaluated shall be notified at least seven days before the day of the session and shall be allowed to present objections in writing.

(3) In the cases outside those referred to in paragraph 2 the Supreme Judicial Council may hear the evaluated judge, prosecutor, investigator, administrative head or administrative head deputy.

Article 207. (1) The Supreme Judicial Council shall rule on a complex evaluation as a result of the appraisal.

(2) The ruling under paragraph 1 may also contain recommendations to the evaluated judge, prosecutor, investigator, administrative head or administrative head deputy. The implementation of those recommendations shall be accounted for at the next appraisal.

(3) Where the appraisal has been made with a view to acquire tenure, promotion in rank or appointment of administrative head or administrative head deputy and the complex evaluation is negative, a new appraisal may be made not sooner than two years.

Article 208. (1) In the appraisal methodology the criteria regarding the hearing of and ruling on cases and case-files shall be with the highest coefficient.

(2) The appraisal methodology, the requirements in relation to the assisting appraisal commission members, as well as the content and form of the act containing information about conducted appraisals shall be determined by a decision of the Minister of Justice.

(3) The decision under paragraph 2 shall be published on the Supreme Judicial Council website.

Article 209. (1) A judge, prosecutor or investigator shall acquire tenure after completing the period of service provided for in Article 129, para 3 of the Constitution of the Republic of Bulgaria and following a positive complex appraisal.

(2) The said length of service shall also include time served as a junior judge, junior prosecutor or junior investigator.

Section IV Rights and Duties

Article 210. Judges, prosecutors and investigators shall be obliged:

1. to act upon the cases and case-files allocated to them within the respective statutory period;
2. to take part in general meeting sessions of the respective body of the judiciary;
3. where appropriate to discharge their official duties outside office hours as well;
4. to perform other tasks related to their office as assigned by the administrative head.

Article 211. (1) Judges and jurors shall keep the secret of deliberation in settling cases.

(2) Judges, prosecutors, and investigators shall keep as official secret information they have come to know by way of their office and which affects the interests of citizens, legal persons, and the State.

Article 212. Judges, jurors, prosecutors, and investigators may not express preliminary opinions on the cases allocated to them, or opinions on cases, which have not been allocated to them.

Article 213. A judge, prosecutor or investigator may not render legal advice.

Article 214. A judge, prosecutor or investigator may not be summoned to mobilisation drills or military trainings.

Article 215. In the course of discharging their functions judges, prosecutors, and investigators may request co-operation from all public bodies, officials, legal persons and citizens who are obliged to co-operate.

Article 216. (1) The State shall protect the judges, prosecutors and investigators in discharging their duties and shall compensate them for damages suffered in the course of or on the occasion of discharging their functions. The size of the compensation shall be determined by the difference between the actual size of the damage and the amount of the mandatory insurance.

(2) The State shall compensate under paragraph 1 also the damages suffered by their spouses, ascending or descending family members in result of judges, prosecutors and investigators discharging their duties.

Article 217. (1) Judges, prosecutors and investigators may set up and participate in organisations that protect their professional interests.

(2) The organisations under paragraph 1 may not be members of federations and confederations of trade unions of employees and officials.

Article 218. (1) The presidents of the Supreme Court of Cassation and the Supreme Administrative Court, the Prosecutor General and the director of the National Investigation Service shall receive a base monthly remuneration equal to 90 per cent of the remuneration of the Constitutional Court Chairman.

(2) The base monthly remuneration for the lowest position of a judge, prosecutor, and investigator shall be equal to two average monthly public sector salaries according to statistics provided by the National Institute of Statistics.

(3) The remuneration for other positions in bodies of the judiciary shall be determined by the Supreme Judicial Council.

Article 219. Judges, prosecutors and investigators shall, on top of their base monthly remuneration, receive additional remuneration for continuously occupying office as judge, prosecutor or investigator to the amount of 2 percent for each year of service but not more than 40 percent.

Article 220. Additional remuneration for extra work of judges, prosecutors and investigators out of office hours shall be paid only for discharging official duties on holidays and non-working days.

Article 221. Judges, prosecutors, and investigators shall be paid an annual allowance for a toga or clothing amounting to two average monthly public sector salaries, said allowance being tax-exempt.

Article 222. Judges, prosecutors and investigators shall not be paid compensations in the event of promotion or moving to another position.

Article 223. While in office, judges, prosecutors and investigators may use residences from the residential housing stock of the bodies of the judiciary.

Article 224. (1) The compulsory social security and health insurance contributions for judges, prosecutors, and investigators shall be covered by the judiciary budget.

(2) Judges, prosecutors, and investigators shall have accident insurance coverage at the expense of the judiciary budget.

Article 225. (1) A judge, prosecutor or investigator having more than ten years of service as a judge, prosecutor or investigator shall, upon removal from office, be entitled to a one-off cash compensation amounting to as many gross monthly salaries

as the number of the years served with bodies of the judiciary but no more than 20 gross monthly salaries.

(2) The compensation under paragraph 1 shall not be paid in the cases referred to in Article 165, para 1, items 3 and 5, as well as where the complex evaluation from the last appraisal of the judge, prosecutor or investigator is negative.

(3) In the event of charges brought on account of an intentional criminal offence or disciplinary proceeding, the compensation shall not be paid before the criminal or disciplinary proceeding is terminated.

(4) In the event of a subsequent dismissal, any compensation received upon a previous dismissal shall be deduced from the compensation due under paragraph 1.

(5) When a judge, prosecutor or investigator has passed away, the compensation under paragraph 1 shall be paid to his successors.

Article 226. A judge, prosecutor or investigator who has been illegally dismissed from office shall be entitled, upon reinstatement, to a compensation amounting to his gross remuneration for the time during which he was not in office but for no more than six months. Where he has taken a lower-paid office or has received lower remuneration for another job, he shall be entitled to the difference in the salaries or the difference between the salary and the remuneration. The amount of the compensation shall be set on the basis of the gross salary as of the moment of recognising the dismissal illegal or failure to appear and assume office.

Article 227. (1) Judges, prosecutors, and investigators may not be seconded for more than three months in a calendar year without their prior consent in writing.

(2) Pregnant women and women with children younger than three years of age may not be seconded without their prior consent in writing.

(3) For the period of secondment to a higher position than the one occupied a judge, prosecutor or investigator shall receive the respective higher remuneration.

Article 228. (1) Judges, prosecutors, and investigators shall declare their incomes and properties to the Audit Office following the terms and procedure set out in the Transparency of Property of Senior Public Officials Act.

(2) The Supreme Judicial Council shall provide to the Audit Office information on the remuneration of persons holding the position of judge, prosecutor and investigator as well as on changes in their official status.

Article 229. (1) For issues not dealt herein the Labour Code shall apply.

Section VI Suspension from office

Article 230. (1) In the cases referred to in Article 132 of the Constitution of the Republic of Bulgaria, where criminal proceedings have been initiated against a judge,

prosecutor or investigator, the Supreme Judicial Council shall suspend him from office until the criminal proceedings are completed.

(2) When, outside the cases under paragraph, criminal proceedings regarding publicly actionable criminal offence have been initiated against a judge, prosecutor or investigator, the Supreme Judicial Council may suspend him from office till the proceedings are finalised.

(3) Requests for suspension from office shall be made by the Prosecutor General, and in the cases under paragraph 2 by the Prosecutor General or at least one fifth of the total number of the Supreme Judicial Council members.

(4) In the event of a detention order regarding a judge, prosecutor or investigator, he shall be considered suspended from office as of the entry into force of the judicial act ruling the detention.

Article 231. In case the criminal proceedings are terminated or an acquittal is delivered, the judge, prosecutor or investigator suspended from office shall be reinstated and the remuneration for the period of suspension from office shall be paid to him.

Article 232. Where disciplinary proceedings have been initiated for imposing as disciplinary sanction dismissal from office of a judge, prosecutor or investigator, the administrative head or his deputy may suspend him from office for a period up to six months on a proposal of the disciplinary panel of the Supreme Judicial Council.

Section VII. Promotion on the same position. Seniority (Articles 213 to 217)

Article 233. (1) The following ascending ranks shall be established for judges, prosecutor and investigators:

1. judge in district court, prosecutor in district prosecution office and investigator in a district investigation service;
2. judge in court of appeal and prosecutor in appellate prosecution office;
3. judge in the Supreme Court of Cassation and the Supreme Administrative Court, prosecutor in the Supreme Prosecution Office of Cassation and in the Supreme Administrative Prosecution Office and investigator in the National Investigation Service;

(2) Judges in the Sofia City Court shall have the rank of judge in courts of appeal, and judges in regional courts in Sofia shall have the rank of district court judge.

(3) Prosecutors in the Sofia City Prosecution Office shall have the rank of prosecutor in appellate prosecution office, and prosecutors in the Sofia Regional Prosecution Office shall have the rank of prosecutor in district prosecution office.

Article 234. Judges, prosecutors and investigators may be promoted on the same position to a higher rank and remuneration where they have proven high

competence and exemplary discharge of duties and served at least three years at the respective or identical position and comply with the requirements set out in Article 164.

Article 235. Promotion within the same position shall be effected in accordance with the rank of judges, prosecutors and investigators up to two higher ranks as considered from the rank of the position occupied.

Article 236. Judges, prosecutors, and investigators who have been dismissed, save for dismissals due to enforcement of custodial sentences for an intentional criminal offence or as disciplinary sanction, shall retain, upon subsequent appointment, the rank they had before being dismissed from office.

Article 237. The seniority of judges, prosecutors, and investigators shall be determined as follows:

1. based on the managerial function or administrative office they discharge in the respective court, prosecution office or investigation service;

2. if they have the same rank, based on the length of service in the respective body of the judiciary, and, with respect to members of the armed forces, based on their military rank;

3. if they have the same office, rank and military rank, based on the length service under Article 164, paragraph 1 to 5.

Chapter Ten JUNIOR JUDGES, JUNIOR PROSECUTORS AND JUNIOR INVESTIGATORS, COURT ASSISTANTS AND PROSECUTOR ASSISTANTS

Section I Junior judges, junior prosecutors and junior investigators

Article 238. A person who satisfies the requirements set out in Article 162 and has successfully passed the respective competition may be appointed junior judge, junior prosecutor and junior investigator.

Article 239 (1) Junior judges shall be appointed in district courts.

(2) Junior prosecutors shall be appointed in regional prosecution offices.

(3) Junior investigators shall be appointed in district investigation services.

Article 240. (1) Junior judges, junior prosecutors and junior investigators shall be appointed for a period of three years.

(2) By way of a decision of the Supreme Judicial Council the period under paragraph 1 may be extended by another six months.

Article 241. Upon assuming office, junior judges, junior prosecutors and junior investigators shall take the oath referred to in Article 155 and 156 respectively.

Article 242. The administrative head of the respective court, prosecution office or district investigation service shall appoint with an order a judge, prosecutor or investigator as a mentor to the respective junior judge, junior prosecutor or junior investigator to monitor and assist their career development.

Article 243 (1) After the period under Article 240 expires, junior judges, junior prosecutors or junior investigators shall be appointed judges in regional courts, prosecutors in regional prosecution offices or investigators in district investigation services, respectively without holding a competition.

(2) If no vacancy is available in the respective judicial area, the person shall be offered a position in another judicial area.

Section Two Court Assistants and Prosecutor Assistants

Article 244 (1) There shall be court assistants in the district and appellate courts, the Supreme Court of Cassation and the Supreme Administrative Court.

(2) There shall be prosecutor assistants in the district and appellate prosecution offices, the Supreme Prosecution Office of Cassation and the Supreme Administrative Prosecution Office.

Article 245 (1) A person who satisfies the requirements set out in Article 162 and has passed the competition for judicial officers may be appointed court or prosecutor assistant.

(2) Applicants shall be appointed following the ranking order made by the competition committee.

Article 246 (1) Court assistants shall be appointed by the administrative head of the respective court.

(2) Prosecutor assistants shall be appointed by the Prosecutor General or by the administrative head of the respective prosecution office.

Article 247. The court and prosecutor assistants shall receive base monthly remuneration amounting to 90 percent of the base remuneration for the lowest position of judge or prosecutor.

Article 248. For issues not dealt herein the Labour Code shall apply.

Chapter Eleven NATIONAL INSTITUTE OF JUSTICE

Article 249. (1) The National Institute of Justice shall:

1. deliver mandatory initial training;
2. maintain and enhance the qualifications of judges, prosecutors and investigators, public enforcement agents, recordation judges, judicial officers, inspectors at the Inspectorate with the Minister of Justice and other officials in the Ministry of Justice.

(2) There shall be a training and information centre with the National Institute of Justice that shall organise distance learning and study and analyse the case law and court administration for training purposes.

Article 250. The National Institute of Justice shall be a legal person seated in Sofia.

Article 251. (1) Funding of the National Institute of Justice shall be provided from the judiciary budget, international and other programmes and projects, donations and own resources related to training.

(2) The Supreme Judicial Council shall transfer to the budget account of the National Institute of Justice the funds required to deliver all trainings provided for by law.

Article 252 (1) The National Institute of Justice shall be headed by a managing board comprising of four representatives of the Supreme Judicial Council and three representatives of the Ministry of Justice.

(2) The president of the Supreme Court of Cassation shall be an *ex lege* member of the managing board from the quota of the Supreme Judicial Council and shall preside it.

(3) The Minister of Justice shall be an *ex lege* member of the managing board from the quota of the Ministry of Justice.

Article 253. The managing board of the National Institute of Justice shall:

1. appoint and dismiss the director and the deputy directors;
2. approve the curricula;
3. approve budget estimates of the National Institute of Justice and submit those to the Supreme Judicial Council;
4. adopt the internal rules provided for in the Rules of Procedure under Article 263;
5. approve the composition of the National Institute of Justice Programme Council;
6. determine the number of employees;

7. adopt a three-year working plan;
8. organise, manage and control the involvement of the National Institute of Justice in the European Judicial Training Network.

Article 254 The decisions of the Managing Board shall be adopted by a majority of more than half its members, save for the decisions under Article 253, items 1 to 4, which shall be adopted with a majority of two thirds of its members.

Article 255 (1) The National Institute of Justice shall be managed by a director.

(2) The director of the National Institute of Justice shall be appointed by the Managing Board for a term of three years, renewable following a performance evaluation made by the Managing Board.

(3) A deputy director authorised in writing by the director shall exercise the director's powers in his absence.

Article 256 (1) The Programme Council shall be an ancillary body of the National Institute of Justice and shall have advisory functions.

(2) The composition of the Programme Council shall be approved by the Managing Board and shall comprise distinguished experts in legal theory and practice.

(3) The Programme Council members shall take part in developing and updating curricula.

Article 257 (1) National Institute of Justice curricula shall be approved by the Managing Board acting on a proposal of the director.

(2) Curricula and the activities designed to enhance the qualification of public enforcement agents, recordation judges, judicial officers, inspectors in the Inspectorate with the Minister of Justice and other officials in the Ministry of Justice shall be agreed with the Minister of Justice.

Article 258 (1) Immediately upon assuming office junior judges, junior prosecutors and junior investigators shall attend a mandatory initial training course in the National Institute of Justice.

(2) The training under paragraph 1 shall last six months during which trainees shall receive the remuneration for the position they have been appointed to and shall not administer justice.

(3) Towards completion of the training course under paragraph 1, junior judges, junior prosecutors and junior investigators shall sit an exam to be assessed by 'passed' or 'failed'.

(4) In the event of failing the exam, the junior judge, junior prosecutor and junior investigator shall sit the exam again in three months. Should they fail the exam, they shall be dismissed from the office assumed.

(5) Following graduation of the training course under paragraph 1, the National Institute of Justice shall provide methodical guidance to the junior judges, junior prosecutors and junior investigators until they assume the respective office.

Article 259. During the first year after initially assuming office in bodies of the judiciary, judges, prosecutors and investigators shall pass a mandatory course of training to acquire or enhance their qualification.

Article 260. Participation of judicial officers in the respective trainings of the National Institute of Justice shall be taken in consideration for the purposes of promotion.

Article 261. The Supreme Judicial Council may decide that certain trainings shall be mandatory for judges, prosecutors, investigators and judicial officers in case of:

1. promotion to a higher position;
2. appointment as administrative head;
3. specialisation.

Article 262. (1) The mandatory initial training of junior judges, junior prosecutors and junior investigators shall be delivered by staff and visiting trainers.

(2) Staff trainers in the National Institute of Justice may be judges, prosecutors, investigators, professors and researchers in law.

(3) Judges, prosecutors and investigators acting as staff professors shall be entitled to paid leave or shall be seconded by the Supreme Judicial Council acting on a proposal of the National Institute of Justice, the expenses for the time they act as professors being covered by the National Institute of Justice.

Article 263. The Supreme Judicial Council, acting on a proposal of the Managing Board, shall adopt Rules of Procedure of the National Institute of Justice, which shall be promulgated in the State Gazette.

Chapter twelve PUBLIC ENFORCEMENT AGENTS

Article 264 (1) Public enforcement agents shall operate within regional courts.

(2) The number of public enforcement agents shall be determined by the Minister of Justice.

(3) At regional courts where no public enforcement agent is assigned, the functions of public enforcement agent shall be discharged by a regional judge designated by the chairman of the respective court; the Minister of Justice shall be notified thereof.

Article 265. The Minister of Justice shall appoint public enforcement agents following a competition. Competitions may be scheduled by the Minister of Justice also upon proposal of a regional court chairman.

Article 266. (1) The Minister of Justice shall schedule competition for public enforcement agents and determine the procedure for holding it in an order.

(2) The order shall be placed in a publicly accessible area of a regional court building and promulgated in the State Gazette; it shall be published in one central daily newspaper and on the Ministry of Justice website within two months prior to the date of the competition.

(3) The order under paragraph 1 shall in addition specify the following:

1. number of vacancies for public enforcement agents and the areas of their operation;

2. day, time and place of the competition;

3. place and period for filing the competition documents;

4. state fee for participation in the competition and account to which it should be paid.

(4) The Ministry of Justice shall collect state fee for the competition determined in a tariff approved by the Council of Ministers.

Article 267. Individuals who satisfy the requirements under Article 162 are eligible to participate in a competition for public enforcement agents.

Article 268. (1) The competition for public enforcement agents shall comprise of a written and oral test.

(2) The competition shall be held by a committee consisting of a chairman and two members designated by the Minister of Justice.

(3) The competition committee shall rank the applicants and send the results to the Minister of Justice within seven days.

(4) The Minister of Justice shall, within two weeks after the ranking results have been received, appoint the applicants who have passed the competition according to their ranking up to filling all vacancies.

Article 269. In case there is only one applicant who has worked as a public enforcement agent for more than five years, he shall be appointed without a competition.

Article 270. The Minister of Justice, upon request of a public enforcement agent who has held the position for at least two years, may transfer the latter to another regional court after considering the opinion of the chairmen of the respective regional courts.

Article 271. Public enforcement agents shall be dismissed by the Minister of Justice upon:

1. retirement;
2. his/her own request;
3. effective custodial sentence on account of an intentional criminal offence;
4. permanent effective incapacity to discharge their official duties for more than a year;
5. serious infringement of or systematic failure to discharge official duties.

Article 272. (1) The Minister of Justice can suspend public enforcement agents arraigned on a publicly actionable criminal offence.

(2) In case criminal proceedings are terminated or end with an acquittal, the removed official shall be reinstated and his remuneration for the period when he was removed from office shall be paid to him.

Article 273. (1) In judicial areas with two or more public enforcement agents the Minister of Justice shall appoints one of them, with proven professional qualities, a head for a renewable five-year term. Additional remuneration shall be due for the position of a head.

(2) The head shall be replaced, in case of absence, by a public enforcement agent designated by the chairman of the regional court and the Minister of Justice shall be notified accordingly.

Article 274. In case the position is not taken or the nominated public enforcement agent is prevented from discharging his duties and may not be replaced by another public enforcement agent from the same court, the chairman of the respective regional court or the Minister of Justice may second to his position a public enforcement agent from another judicial region.

Article 275. (1) In the course of discharging their duties public enforcement agents shall wear a special sign determined by the Minister of Justice.

(2) Public bodies, officials, organisations and citizens shall assist public enforcement agents in the course of discharging their duties.

(3) Public enforcement agents may request co-operation and the police authorities shall render it immediately in case he is illegally prevented from discharging his duties.

Article 276. The Minister of Justice may, upon proposal of the chairman of the respective court, determine remuneration for public enforcement agents not exceeding the remuneration of a district court judge, where they have proven high competence and exemplary discharge of duties and served at least six years.

Article 277. (1) Public enforcement agents shall be paid annual clothing allowance amounting to two average monthly public sector salaries.

(2) The compulsory social security and health insurance contributions and insurance against accidents during or on the occasion of discharging official duties for public enforcement agents shall be covered by the judiciary budget.

(3) Upon termination of the employment relations public enforcement agents shall be paid compensation under the terms set out in Article 225.

Article 278. The Labour Code shall apply unless otherwise provided for by this chapter.

Chapter thirteen RECORDATION JUDGES

Article 279. (1) Recordation judges shall operate with the Regional Court.

(2) The number of recordation judges shall be determined by the Minister of Justice.

(3) In the regional courts where there is no recordation judge or the latter is prevented from discharging his functions, those shall be performed by a regional judge and the Minister of Justice shall be notified accordingly.

(4) The Minister of Justice may assign the discharge of recordation judge functions to a public enforcement agent with the same court.

Article 280. (1) The Recordation judges shall:

1. allow or refuse recordings, marks or deletions in the real estate register and rule on the issue of references and certificates;

2. carry out notary and other actions as provided for by law.

(2) Recordation judges can operate only within their judicial area.

Article 281. Recordation judges shall be appointed by the Minister of Justice following a competition. The Minister of Justice may schedule competition also upon proposal of the chairman of the regional court.

Article 282. (1) The Minister of Justice shall schedule a competition for recordation judges by means of an order whereby the competition procedure shall be set out.

(2) The order shall be displayed at a publicly accessible area in the regional court building and published in the State Gazette and in one national daily newspaper, and on the Ministry of Justice website.

(3) The order under paragraph 1 shall specify the following:

1. the number of vacancies for recordation judges and the regions of their activity;

2. day, time and place of the competition;

3. place and procedure for submitting competition documents;

4. state fee for participation in the competition and account to which it should be paid.

(4) The Ministry of Justice shall collect state fee for the competition in an amount determined in a tariff approved by the Council of Ministers.

Article 283. Eligible for the competition for recordation judges shall be persons satisfying the requirements under Article 162.

Article 284. (1) The competition for recordation judges shall comprise of a written and oral test.

(2) The competition shall be held by a committee consisting of a chairman and two members designated by the Minister of Justice.

(3) The competition committee shall rank the applicants and send the results to the Minister of Justice within seven days.

(4) The Minister of Justice shall, within two weeks after the ranking results have been received, appoint the applicants who have passed the competition according to their ranking up to filling all vacancies.

Article 285. In case there is only one applicant who has held the position of recordation judge for more than five years, he shall be appointed without competition.

Article 286. The Minister of Justice, upon request of a recordation judge who has held the position for at least two years, may transfer the latter to another regional court after considering the opinion of the chairmen of the respective regional courts.

Article 287. The recordation judge shall be dismissed by the Minister of Justice upon:

1. retirement;

2. his/her own request;

3. effective custodial sentence on account of an intentional criminal offence;

4. permanent effective incapacity to discharge their official duties for more than a year;

5. a serious infringement of or systematic failure to discharge official duties, as well as actions undermining the prestige of the judiciary;.

Article 288. (1) The Minister of Justice can suspend recordation judges arraigned on a publicly actionable criminal offence.

(2) In case criminal proceedings are terminated or end with an acquittal, the removed official shall be reinstated and his remuneration for the period when he was removed from office shall be paid to him.

Article 289. (1) In recordation offices with two or more recordation judges the Minister of Justice shall appoint one of them, with proven professional qualities, a head for a renewable five-year term. Additional remuneration shall be due for the position of a head.

(2) The head shall be replaced, in case of absence, by a recordation judge designated by the chairman of the regional court and the Minister of Justice shall be notified accordingly.

Article 290. In case the position is not taken or the recordation judge nominated is prevented from discharging his duties and may not be replaced, the chairman of the respective regional court or the Minister of Justice may second a recordation judge from another judicial region to his position.

Article 291. The Minister of Justice, upon proposal of the chairman of the respective court, may determine a salary not exceeding the salary of a district court judge, where high competence and exemplary discharge of duties have been proven and at least six years served.

Article 292. (1) Recordation judges shall be paid annual clothing allowance amounting to two average monthly public sector salaries.

(2) The compulsory social security and health insurance contributions and insurance against accidents during or on the occasion of discharging official duties for recordation judges shall be covered by the judiciary budget.

(3) Upon termination of the employment relations public enforcement agents shall be paid compensation under the terms set out in Article 225.

Article 293. The Labour Code shall apply unless otherwise provided for by this chapter.

Chapter fourteen ACQUIRING LEGAL CAPACITY

Article 294. (1) The graduates in law shall acquire legal capacity after serving six-months as interns and passing an examination.

(2) While serving as interns they shall acquaint themselves in practice with the main functions and organisation of the bodies of the judiciary and shall participate in the preparation of acts issued by said bodies.

Article 295. (1) Any Bulgarian or other EU member-state national or a foreign national graduated in law in the Republic of Bulgaria can be an intern.

(2) Bulgarian or other EU member-state nationals or foreign nationals graduated in law abroad can also be interns provided that their degree is acknowledged by the Republic of Bulgaria and the diploma is legalised.

Article 296. The following documents shall be submitted to the Minister of Justice upon application for intern:

1. written application including the full name, personal identification number, the personal foreigner's number, respectively, and permanent address;
2. notarised copy of the diploma or certificate for completed higher education in law;
3. criminal record certificate;
4. copy of an identification document;
5. copy of a residence permit for nationals of another EU member-state.

Article 297. (1) The Minister of Justice shall allocate the interns to the district court in the judicial area of their permanent address. By way of exception where important circumstances so require an intern may be allocated to another judicial region.

(2) Interns receive no remuneration for the period of internship, which is not accounted for retirement purposes.

(3) Interns serve in a regional court, district court, regional prosecution office, district prosecution office and district investigation service according to order determined by the chairman of the district court.

(4) The internship shall start from the day the intern assumed service with the respective district court. An internship record shall be issued upon assuming service.

(5) The internship shall be deemed completed should the internship record be duly certified by the respective court, public prosecution office or district investigation service.

Article 298. (1) Interns shall, upon completion of the internship, take an examination for acquiring legal capacity.

(2) To take the examination interns shall file a written application to which the internship record is enclosed to the Minister of Justice through the chairman of the respective district court

Article 299. (1) The Minister of Justice shall issue order on the day and time of the examination for acquiring legal capacity, the members of the examination committee and the interns admitted to the examination.

(2) The day, time and list of the interns admitted to the examination shall be announced three days before the day of the examination in the Ministry of Justice and shall be published on its official website.

(3) The examination shall be held in the Ministry of Justice on the basis of a questionnaire approved by the Minister of Justice.

(3) The examination shall be held by a three-member committee including: a chairman – representative of the Inspectorate with the Minister of Justice, and members – representative of bodies of the judiciary and the High Bar Council. The bodies of the judiciary and the High Bar Council shall inform the Minister of Justice of their designated representatives.

Article 300. (1) The examination for acquiring legal capacity shall be marked as “passed” or “failed”. The results from the examination shall be recorded in a protocol signed by the members of the competition committee and preserved at the Ministry of Justice.

(2) The intern having received a “failed” mark shall be allowed to retake the examination following additional two-month service.

Article 301. The Minister of Justice shall issue legal capacity certificates to the interns having passed the examination.

Chapter fifteenth INCENTIVES

Article 302. The Supreme Judicial Council may propose to the President of the Republic of Bulgaria judges, public prosecutors or investigators to be awarded decoration or medal for exceptional or substantial contribution to the judiciary.

Article 303. (1) The Supreme Judicial Council may offer as incentives to judges, public prosecutors and investigators a distinction and award for high professionalism, exemplary discharge of official duties and high integrity.

(2) The distinctions shall be:

1. official gratitude and an honorary diploma;
2. personal honorary token:
 - a) first degree – golden;
 - b) second degree – silver;
3. pre-term promotion in rank.

(3) The award shall not exceed the main monthly remuneration and shall be:

1. financial;
2. an object.
- (4) The distinction may be served together with an award.

Article 304. (1) Proposals for incentives to the Supreme Judicial Council shall be made by the Minister of Justice, the president of the Supreme Court of Cassation, the president of the Supreme Administrative Court, the Prosecutor General, the director of the National Investigation Service, by chairmen of courts of appeal, military courts of appeal, district and administrative courts, by district, military-appellate and military-district prosecutor, by one fifth of the total number of members of the Supreme Judicial Council and the respective professional organisation.

(2) The Inspectorate with the Supreme Judicial Council may make proposals for incentives to the respective administrative head.

Article 305. (1) The Minister of Justice may offer as incentives to public enforcement agents and recordation judges a distinction and award for high professionalism, exemplary discharge of official duties and high integrity.

(2) The distinctions shall be:

1. official gratitude and an honorary diploma;
2. personal honorary token:
 - a) first degree – golden;
 - b) second degree – silver;
3. pre-term promotion in rank.

(3) The award shall not exceed the main monthly remuneration and shall be:

1. financial;
2. an object.
- (4) The distinction may be served together with an award.

Article 306. Proposals for incentives to the Minister of Justice shall be made by the respective chairman of the regional court or by the chief inspector at the Inspectorate with the Minister of Justice.

Chapter sixteen DISCIPLINARY LIABILITY

Article 307. (1) Disciplinary sanctions shall be imposed to judges, public prosecutors, investigators, public enforcement agents and recordation judges for disciplinary offences.

(2) Disciplinary offence shall be guilty failure to discharge the official duties of a judge, public prosecutor and investigator.

(3) The following shall be disciplinary offences:

1. systemic failure to observe statutory periods provided for in procedural laws'

2. commitment of acts causing unjustified delay of the procedures;
3. violation of the professional code of conduct rules;
4. actions undermining the prestige of the judiciary;
5. failure to discharge other official duties.

(3) In addition to the cases under paragraph 1 military prosecutors and military investigators shall be disciplinary liable also for violations under the specific laws and regulations.

(4) Disciplinary liability shall apply irrespective of the civil, criminal or administrative-penal liability should such be provided for.

Article 308. (1) The following disciplinary sanctions shall apply to judges, prosecutors and investigators, administrative heads and their deputies:

1. rebuke;
2. reprimand;
3. 10 to 25 per cent decrease in the base remuneration for a period of six months to two years;
4. demotion in rank or in position in the same body of the judiciary for a period of one to three years;
5. removal from the office of administrative head or administrative heads deputy;
6. disciplinary removal from office.

(2) The following disciplinary sanctions shall apply to public enforcement agents and recordation judges:

1. rebuke;
2. reprimand;
3. notice to dismissal;
4. dismissal.

(3) Only one disciplinary sanction shall be imposed for one and the same disciplinary violation.

Article 309. The materiality of the violation, the type of guilt, the circumstances in which the violation was committed and the conduct of the offender shall be taken into consideration upon determining the disciplinary sanction.

Article 310. (1) Disciplinary proceedings shall be initiated within three months from discovering but not later than two years after the violation was committed.

(2) Disciplinary proceedings shall be concluded within three months after initiation; expiry of that term shall not constitute grounds for exemption from liability.

(3) Where omission constitutes the offence, the terms under paragraph 1 shall start running as of discovering it.

(4) In case of disciplinary violation constituting also a criminal offence established by means of an effective conviction, the terms under paragraph 1 shall start running from the effective date of the conviction.

(5) The periods under paragraph 1 shall not run during the time the person is using a statutory vacation.

Article 311. (1) Disciplinary sanctions shall be imposed by:

1. the administrative head – for the sanctions of judges, prosecutors and investigators under Article 308, paras 1 and 2,
2. the Supreme Judicial Council – for the sanctions:
 - a) of judges, prosecutors and investigators under Article 308, para 1. items 3, 4 and 6;
 - b) of administrative heads or their deputies;
3. the Minister of Justice – for sanctions of public enforcement agents or recordation judges.

Article 312. (1) Proposals for imposing disciplinary sanctions to judges, prosecutors, investigators, administrative heads or administrative head deputies may be made by:

1. the respective administrative head
2. any higher-standing administrative head;
3. the Inspectorate with the Supreme Judicial Council;
4. at least one-fifth of the Supreme Judicial Council members;
5. the Minister of Justice.

(2) Proposals for imposing disciplinary sanctions to public enforcement agents and recordation judges may be made by the administrative head of the respective district court or regional court or by the chief inspector at the Inspectorate with the Minister of Justice.

Article 313. (1) The sanctioning authority shall, prior to imposing disciplinary sanctions, hear the disciplinary accountable person or receive his written explanations and collect evidence regarding the case.

(2) In case the sanctioning authority has not heard the person nor received his written explanation, the court shall overrule the imposed disciplinary sanction without hearing the case upon its merits, unless the disciplinary accountable person has failed to provide explanations or be heard through his fault.

(3) No facts or circumstances related to the disciplinary proceedings may be announced prior to the enforcement of the order or the decision for imposing disciplinary sanction.

Article 314. (1) The disciplinary sanctions under Article 308, paragraph 1, items 1 and 2 shall be imposed by way of a reasoned order of the administrative head of the indictable judge or prosecutor or investigator.

(2) The administrative head shall notify the Supreme Judicial Council of the imposed sanction, sending the case-file and the order immediately upon issuance.

(3) The Supreme Judicial Council may, within one month as of receiving the order under paragraph 2, affirm the imposed sanction following the general procedure.

(4) The order of the administrative head whereby a disciplinary sanction is imposed may not be individually appealed in legal form.

(5) Where in the course of administrative proceedings it appears that there are grounds for imposing sanctions under Article 308, para 1, items 3, 4 and 6, the administrative head shall suspend the disciplinary proceedings and make a proposal to the Supreme Judicial Council to impose the sanction, forwarding the case file to it.

Article 315. Disciplinary sanctions under Article 308, paragraph 2 shall be imposed by way of a reasoned order of the Minister of Justice.

Article 316. (1) Disciplinary sanctions under Article 308, paragraph 1, items 3, 4 and 6 of judges, prosecutors and investigators, as well as disciplinary sanctions of administrative heads and administrative head deputies shall be imposed by way of a decision of the Supreme Judicial Council.

(2) Disciplinary proceedings shall be initiated within seven days as of the receipt of the proposal.

(3) Where disciplinary proceedings are initiated, the Supreme Judicial Council shall determine by lot three-member disciplinary panel from its members and a rapporteur. The members of the disciplinary panel shall elect a chairman.

(4) The chairman of the disciplinary panel shall schedule a hearing within three days following the initiation of disciplinary proceeding.

(5) Copies of the proposal for imposing disciplinary sanction and the written evidence attached thereto shall be sent to the disciplinary indictable person. The latter can submit written objections and point evidence within seven days as of the notification following the procedure set out in the Civil Procedures Code.

Article 317. (1) The disciplinary panel session shall be notified to the person subject to disciplinary proceeding and the depositor of the proposal.

(2) The depositor may not withdraw the proposal after a disciplinary proceeding has been initiated.

Article 318. (1) The disciplinary panel shall sit in camera.

(2) The person subject to disciplinary proceeding shall have the right to defence.

(3) The disciplinary panel shall clarify the facts and circumstances associated with the violation, and may collect verbal, written and substantial evidence including through its delegated member, as well as to hear experts following the procedure provided for in the Civil Procedures Code.

(4) The disciplinary panel shall hear the statements of the proposal depositor or his authorised representative, the person subject to disciplinary proceeding and the defender should they be present at the session.

Article 319. (1) Within seven days from the last session the disciplinary panel shall pass a decision establishing the facts subject to be proven, state an opinion on the circumstances and the legal grounds for the disciplinary sanction and propose the type and degree of the sanction.

(2) The disciplinary panel shall take decisions with a majority of more than half of its members.

Article 320. (1) The disciplinary panel shall present its decision to the presiding Supreme Judicial Council member within seven days from its adoption, together with the file to be immediately reviewed by the Supreme Judicial Council.

(2) The Supreme Judicial Council shall review the proposal of the disciplinary panel for imposing a disciplinary sanction within seven days of its deposition.

(3) The Supreme Judicial Council may reject the proposal for disciplinary sanction or impose a disciplinary sanction.

(4) The decision of the Supreme Judicial Council shall be passed with a majority of more than half of its members and shall be reasoned. The reasons of the disciplinary panel ruling as well as voiced considerations of the Supreme Judicial Council members shall be considered grounds of the decision.

(5) The Supreme Judicial Council ruling shall be notified immediately to the disciplinary indictable person and the depositor of the proposal following the procedure set out in the Civil Procedure Code.

Article 321. The Minister of Justice shall impose disciplinary sanction to public enforcement agents and recordation judges following hearing of the person or allowing written explanations on the proposal within seven days.

Article 322. The disciplinary sanction shall be deemed to enter into force as from notification of the person subject to disciplinary proceeding of the Supreme Judicial Council decision or the Minister of Justice order.

Article 323. (1) The person subject to disciplinary sanction can appeal the decision of the Supreme Judicial Council or the order of the Minister of Justice before the Supreme Administrative Court within seven days of their notification.

(2) The appeal does not suspend the enforcement of the disciplinary sanction unless the Supreme Administrative Court rules otherwise.

(3) A three-member panel of Supreme Administrative Court shall examine the application within one month from its lodging with the court.

(4) The decision of the three-member panel of the Supreme Administrative Court shall be final unless it confirms a disciplinary removal from office or dismissal.

(5) The decision confirming a disciplinary removal from office or dismissal shall be subject to appeal within seven days as of notification before a five-member panel of the Supreme Administrative Court. The five-member panel of the Supreme Administrative Court shall hear the case within one month from its lodging with the court and shall pass a final decision.

Article 324. The effective decision for disciplinary sanction to judges, prosecutors or investigators, and administrative heads or their deputies shall be announced on the Supreme Judicial Council website.

Article 325. (1) The effective decision of the Supreme Judicial Council for disciplinary sanction shall be subject to immediate enforcement.

(2) The effective decision for disciplinary sanction “demotion in rank or position” or shall serve as grounds for respective decrease in the remuneration of the judge, prosecutor or investigator to the amount due for the lower rank or position for the period of the sanction.

Article 326. (1) The disciplinary sanction except for dismissal shall be obliterated one year after its expiry.

(2) The obliteration of the disciplinary sanction “removal from administrative head or administrative head deputy office” shall not be grounds for the person’s reinstatement in position.

(3) The disciplinary sanction, except for disciplinary removal from office or dismissal, may be obliterated before expiry of the term under paragraph 1 but not earlier than six months after it has been imposed, by the authority that imposed it, should the person sanctioned has not committed another violation.

(4) The pre-term obliteration of the disciplinary sanction shall be initiated by the administrative head or the authorities or the persons having proposed it.

(4) The obliteration is effective *ex nunc*.

Article 328. The administrative head may call the attention of judges in regional, district, administrative and appellate courts, prosecutors in regional, district and appellate prosecution offices, investigators in the National Investigation Service and the district investigation services to violations in relation to the initiation and progress of cases or the organisation of their work; the Supreme Judicial Council shall be notified accordingly.

Article 329. The Civil Procedure Code shall apply unless this chapter provides for special rules.

Chapter seventeen COURT VACATION. LEAVES

Article 329. (1) Courts shall be in recess from 15 July to 1 September.

(2) The recess shall not apply to prosecutors and investigators, public enforcement agents and recordation judges.

(3) The following cases shall be reviewed during court recess:

1. criminal cases where remand in custody is imposed;
2. cases for alimony, parental rights over minors and illegal dismissal;
3. requests to secure claims, evidence, for permissions and orders under the Family Code, for the assignment of special representative;
4. insolvency cases;
5. cases under the Protection against Domestic Violence Act;
5. cases which under the law shall be examined within a period of less than one month;
6. other cases at the discretion of the administrative head of the court or the prosecution office or the Minister of Justice.

(4) Administrative heads of courts and prosecution offices shall ensure that a sufficient number of court panels and prosecutors be available to examine cases and requests during the court recess.

Article 330. (1) Judges, prosecutors, investigators, public enforcement agents and recordation judges shall be entitled to regular paid annual leave of 30 working days and additional leave of one working day for every two years of legal service.

(2) The overall number of days of leave under paragraph 1 may not exceed 60 calendar days.

Article 331. (1) Judges, prosecutors, investigators, public enforcement agents and recordation judges may be allowed unpaid leave.

(2) Unpaid leave up to 30 working days in one calendar year shall be accounted for legal experience.

Article 332. (1) Judges, prosecutors, investigators, public enforcement agents and recordation judges shall be entitled to leave upon:

1. marriage – two working days;
2. blood donation – for the day of the examination and the blood donation and one day after it;
3. death of a parent, child, spouse, brother, sister or parent of a spouse and family members of direct line without limitation – two working days;
4. summoning to court as litigant or witness;
5. training and participation in voluntary intervention teams under the Protection in case of Calamities Act.

(2) Public enforcement agents and recordation judges shall be entitled to leave upon summoning to military training – for the time of the training including the days of travel to and back from the training. Should the military training continue 15 and

more days, public enforcement agents and recordation judges shall be entitled to two calendar days paid leave before departure and two days after return.

(2) Remuneration for the respective position held shall be paid during the leaves under paragraph 1, items 1 to 3, and payment as provided for in the special laws during the leaves under paragraph 1, items 4 and 5 or paragraph 2.

Article 333. Judges, prosecutors, investigators, public enforcement agents and recordation judges shall be entitled to leaves for temporary incapacity to work, pregnancy, child birth and adoption, raising a small child, nursing and feeding small child, upon death or serious illness of parent following the terms, procedure and duration set out in the Labour Code and the Social Insurance Code.

Article 334. (1) Judges, prosecutors, investigators, public enforcement agents and recordation judges shall use paid official leave for the time they take part in trainings to enhance their qualifications and requalification.

(2) During election campaigns in which a judge, prosecutor, investigator, public enforcement agent or recordation judge is running for an elected position in public bodies, the latter shall use paid or unpaid official leave.

(3) Judges, prosecutors, investigators, public enforcement agents and recordation judges who have been sent for more than three months to trainings to enhance their qualification by a body of the judiciary or the Minister of Justice, shall be bound to work in the respective bodies of the judiciary at least three years following their return.

Article 335. Judges, prosecutors, investigators, public enforcement agents and recordation judges shall be entitled to also use leaves for training following the terms, procedure and duration set out in the Labour Code.

Article 336. Judges, prosecutors and judicial officers shall use their regular paid annual leave during the court recess, and where this is not possible – in another period during the year.

Article 337. At the discretion of the administrative head judges, prosecutors, investigators, public enforcement agents and recordation judges and judicial officers shall not, save for cases of temporary incapacity, use leave before drafting their acts and returning the cases allocated to them.

Article 338. The use of leave except for temporary incapacity to work shall be allowed by:

1. the chairman of the regional court –for regional court judges, public enforcement agents and recordation judges;

2. the chairman of the district court – for district court judges and chairmen of regional courts;

3. the chairman of the military court – for military court judges;
4. the chairman of the administrative court – for administrative court judges;
5. the chairman of the court of appeal – for judges from the court of appeal and the chairmen of district courts;
6. the chairman of the military court of appeal – for judges at the military court of appeal and the chairmen of military courts;
7. the president of the Supreme Court of Cassation –for judges at the Supreme Court of Cassation and the chairmen of courts of appeal and the military court of appeal;
8. the president of the Supreme Administrative Court – for judges at the Supreme Administrative Court and the chairmen of administrative courts;
9. the district prosecutor – for prosecutors at district and regional prosecution offices;
10. the prosecutor of appeal – for prosecutors at prosecution offices of appeal and district prosecution offices;
11. the military district prosecutor – for prosecutors at the military district prosecution office and military investigators;
12. the military-appeal prosecutor – for prosecutors from the military-appeal prosecution and the military district prosecutors;
13. the Prosecutor General – for the administrative heads of the Supreme Prosecution Office of Cassation and the Supreme Administrative Prosecution Office, prosecutors at those prosecution offices, prosecutors of appeal and military-appeal prosecutor;
14. the director of the National Investigation Service – for all investigators.

Article 339. For issues not dealt herein the Labour Code shall apply.

Chapter eighteen ADMINISTRATION OF THE BODIES OF THE JUDICIARY

Article 340. (1) In exercising its powers the Supreme Judicial Council, the Inspectorate with the Supreme Judicial Council and the bodies of the judiciary shall be supported by administration.

(2) The administration of the bodies of the judiciary shall comprise the administration of the Supreme Court of Cassation, the Supreme Administrative Court, the Prosecutor General, the Supreme Prosecution Office of Cassation, the Supreme Administrative Prosecution Office, the National Investigation Service, the courts, the prosecution offices and the district investigation services.

(3) The employees in the administration of the Supreme Judicial Council, the Inspectorate with the Supreme Judicial Council and bodies of the judiciary shall be referred to as judicial officers.

Article 341. (1) The Supreme Judicial Council shall issue a unified classifier of positions in the administration of judiciary bodies whereby the titles of positions, the minimum qualification and other requirements for the respective position, the remuneration for the position and rank bonus shall be determined.

(2) The number of judicial officers for each body of the judiciary shall be determined by the respective administrative head and agreed upon with the Supreme Judicial Council.

Article 342. (1) The Supreme Judicial Council in accordance with the Minister of Justice shall adopt rules of procedure for the organisation of the bodies of the judiciary.

(2) The rules of procedure shall set down the administration units, their functional descriptions, the organisation of the work in the bodies of the judiciary administrations, the employment grid, types of job descriptions for judicial officers, competitions procedure for judicial officers and the recruitment bodies.

(3) Rules shall be published in the State Gazette.

Article 343. (1) Judicial officers whose activity is related to the exercise of powers of the bodies under Article 340, para 1 shall be appointed following a competition.

(2) No competition shall be held upon re-assignment of judicial officers to another position in the Supreme Judicial Council, the Inspectorate with the Supreme Judicial Council or the same body of the judiciary as well as upon removal.

Article 344. The appointing body should ensure the conditions required for judicial officers to discharge their duties and enhance their qualifications and requalification.

Article 345. (1) Judicial officers shall discharge their duties in good faith and accurately according to the job description.

(2) Judicial officers may be temporarily assigned additional duties, where necessary for official purposes, for up to 45 days in the year

(3) Where necessary for official purposes, judicial officers shall continue discharging their duties after working hours.

(4) Judicial officers shall receive additional remuneration to an amount determined by the Supreme Judicial Council for discharging duties in weekends and official holidays as ordered by the direct superior.

Article 346. Judicial officers shall preserve as official secret the information that has become known to them in the course of discharge of their duties and affects the interests of citizens, the legal persons and the state.

Article 347. In the course of discharging their duties and in public judicial officers' conduct shall not undermine the prestige of the judiciary.

Article 348. Judicial officers shall be entitled to base monthly remuneration determined for the position taken amounting to 80 per cent of the remuneration of the judicial administrator.

Article 349. (1) The judicial officer ranks shall reflect the level of their professional qualifications.

(2) The ranks of judicial officers shall be from fifth to first in an ascending order. Upon initial appointment in bodies of the judiciary judicial officers shall be given the minimum rank for the respective position as set down in the classifier under Article 341.

(3) The terms and procedure for awarding ranks and promotion in rank shall be determined in the rules under Article 342, paragraph 1.

Article 350. The annual leave of judicial officers and the additional annual paid leave for work outside working hours and for discharging additional duties shall be determined by the Supreme Judicial Council.

Article 351. (1) The compulsory social security and health insurance contributions for judicial officers shall be at the expense of the judiciary budget.

Article 352. Judicial officers shall be paid annual clothing allowance amounting up to two average monthly public sector salaries.

Article 353. In the course of discharging their duties judicial officers shall identify themselves with an official card.

Article 354. A judicial officer, having acquired right to pension for social security experience and age, shall be entitled to a one-off cash compensation amounting to as many gross monthly salaries as the number of years served with bodies of the judiciary but no more than ten gross monthly salaries.

Article 355. (1) The Supreme Judicial Council administration shall be managed by a Secretary General.

(2) A person satisfying the requirements set out in Article 164, paragraph 2 may be appointed Secretary General of the Supreme Judicial Council.

(3) The Secretary General shall be appointed upon decision of the Supreme Judicial Council following a competition.

(4) While holding his position, the Secretary General may not be a member of a political party or coalition, organisation with political purposes, nor perform any political activity.

(5) The Secretary General shall:

1. appoint and release officers in the Supreme Judicial Council administration;
2. manage human resources in the Supreme Judicial Council administration;
3. provide methodical guidance and control of judicial administrators.

(6) The Secretary General shall receive base remuneration amounting to 80 per cent of the remuneration of a Supreme Court of Cassation judge.

(7) Time served as Secretary General at the Supreme Judicial Council shall be accounted for as length of service under Article 164, paras 1 to 5.

(8) The Supreme Judicial Council administration units, the functional descriptions, employment grid, types of job descriptions of the officers and the organisation of the work of the administration shall be determined in the Rules under Article 30, paragraph 4.

Article 356. (1) The administration of the Inspectorate with the Supreme Judicial Council shall be managed by a Secretary General.

(2) A person satisfying the requirements set out in Article 164, paragraph 2 may be appointed Secretary General.

(3) The Secretary General shall be appointed upon an order of the chief inspector following a competition.

(4) While holding his position, the Secretary General of the Inspectorate with the Supreme Judicial Council may not be a member of a political party or coalition, organisation with political purposes, nor perform any political activity.

(5) The Secretary General shall:

1. appoint and release officers in the administration of the Inspectorate with the Supreme Judicial Council;
2. manage human resources in the administration of the Inspectorate with the Supreme Judicial Council.

(6) The Secretary General shall receive base remuneration amounting to 80 per cent of the remuneration of a Supreme Court of Cassation judge.

(7) Time served as Secretary General of the Inspectorate with the Supreme Judicial Council shall be accounted for as length of service under Article 164, paras 1 to 5.

(8) The administration units of the Inspectorate with the Supreme Judicial Council, the functional descriptions, employment grid, types of job descriptions of the officers and the organisation of the work of the administration shall be determined in the Rules under Article 55, paragraph 4.

Article 357. (1) The administration of the Supreme Court of Cassation, the Supreme Administrative Court, the Prosecutor General and the National Investigation Service shall be managed by Secretaries General.

(2) The administrations of courts and prosecution offices shall be managed by judicial administrators.

(3) Secretaries general and judicial administrators shall be appointed following a competition, organised by the Secretary General of the Supreme Judicial Council.

(4) The competition shall be held by a standing committee composed of three Supreme Judicial Council members, a representative of the Supreme Judicial Council administration and the administrative head of the respective body of the judiciary, for which the competition for secretary general or judicial administrator is held.

(5) While holding their position, the Secretaries General and judicial administrators may not be members of a political party or coalition, organisation with political purposes, nor perform any political activity.

(6) The requirements for the position of Secretary General and judicial administrator shall be set forth in the Rules under Article 342, paragraph 1.

(7) Secretaries general and judicial administrators shall:

1. plan, organise and manage judicial officers;
2. be in charge of managing the administrative activity in the court, the prosecution office and the investigation service;
3. implement programme decisions on long-term planning, budget policy, finances, automatisisation, equipment and public relations

(8) Secretaries General shall receive base remuneration amounting to 80 per cent of the base remuneration of a Supreme Court of Cassation judge.

(9) Judicial administrators shall receive base remuneration amounting to 80 per cent of the base remuneration of a judge in the respective court.

Article 358. (1) Public awareness and public relations activities of bodies of the judiciary shall be supported by press services.

(2) The status, rights and obligations of the press service officials shall be determined in the Regulations under Article 55, paragraph 4 and Article 342, paragraph 1.

Article 359. For issues regarding judicial officers not dealt with herein the Labour Code shall apply.

Article 360. (1) If technically possible, all acts and documents under cases shall be made also in electronic format.

(2) Where a pending case or case-file should be enclosed to another one, all materials should be copied and certified by the body before which the proceeding is pending, and the copy shall be sent for enclosing.

Chapter nineteen BUDGET OF THE JUDICIARY

Article 361. (1) The separate budget of the judiciary shall be part of the state budget.

(2) The budget of the judiciary shall consist of the Supreme Judicial Council budget, the Inspectorate with the Supreme Judicial Council budget, the budget accounts of the judiciary bodies that are legal persons and of the National Institute of Justice.

(3) The judiciary budget shall include all incomes from the activity of the judiciary bodies and the National Institute of Justice, subsidies from the Ministry of Finance, and expenses for maintenance of the bodies of the judiciary, except for expenses, which by virtue of this law shall be accounted under the Ministry of Justice budget as well as the preceding remaining balance.

Article 362. The Minister of Justice shall, in drafting the budget of the judiciary, receive the opinions and proposals of the administrative heads of the bodies of the judiciary.

Article 363. There shall be accounts for the next two years enclosed to the draft judiciary budget.

Article 364. (1) The Council of Ministers shall deposit in the National Assembly the draft State Budget of the Republic of Bulgaria Act for the respective year together with the draft annual judiciary budget proposed by the Supreme Judicial Council together with detailed justification.

(2) Upon adoption of the state budget the National Assembly shall, immediately after the report of the Council of Ministers, hear the Supreme Judicial Council report presented by its representative.

(3) The National Assembly shall adopt the judiciary budget allocated to the Supreme Judicial Council, the Inspectorate with the Supreme Judicial Council, the bodies of the judiciary and the National Institute of Justice.

Article 365. The Supreme Judicial Council shall organise the judiciary budget implementation through the Inspectorate with the Supreme Judicial Council, the Supreme Court of Cassation, the Supreme Administrative Court, the courts, the Prosecutor General, the National Investigation Service and the National Institute of Justice.

Article 366. (1) The Supreme Judicial Council shall elaborate an annual report on the cash implementation of the judiciary budget following a full budget classification. The said report shall by all means be included in the summarised report on implementation of the state budget as an integral part thereof.

(2) The report under paragraph 1 shall be included by the Ministry of Finance in elaborating the report on the implementation of the state budget.

(3) Each year the Council of Ministers shall deposit with the National Assembly, together with the report on the state budget implementation, the report on

the judiciary budget implementation with detailed justification thereto adopted by the Supreme Judicial Council.

Article 367. The Supreme Judicial Council shall organise the establishment and ensure the operation of financial management and control system in the judiciary bodies and for internal audit in the absorption and administration of budget resources.

Chapter twenty INTERACTION BETWEEN THE JUDICIARY AND THE EXECUTIVE

Section I General Provisions

Article 368. Interaction between the judiciary and the executive shall be made through the Minister of Justice and the administration of the Ministry of Justice.

Article 369. The Minister of Justice shall exercise his powers as set forth by the Constitution through the activities provided for by this law.

Article 370. (1) Interaction between the bodies of the judiciary and the Supreme Judicial Council and the bodies of the executive shall be made in the following directions:

1. judicial activity;
2. elaboration of draft laws and bylaws related to the judiciary and the activities within the competence of the Minister of Justice;
3. professional qualification;
4. information technologies;
5. counteracting crime and criminological studies;
6. management of the property of the judiciary;
7. activities related to drafting judiciary budget;
8. security guard;
9. activities related to the public and private enforcement agents, the notaries, recordation judges and trustees;
10. international legal co-operation.

(2) The functions and organisation of operations of the respective structural units at the Ministry of Justice shall be regulated by this law and the Ministry of Justice Rules of Procedure.

Article 371. The Minister of Justice submit to the National Assembly an annual report on the state, structure and dynamics of crime; on the reasons and conditions, which determine them, as well as on the measures taken

Section II Inspectorate with the Minister of Justice

Article 372. (1) There shall be an Inspectorate with the Minister of Justice that shall:

1. keep and summarise the information received from the bodies of the judiciary regarding the institution, progress and completion of judicial, prosecution and investigation cases, enforcement cases and recordation cases.

2. assist the Minister of Justice in exercising his powers in relation to drafting proposals for interpretative judgements or interpretive rulings as well as opinions on proposals made for adopting interpretative judgements or interpretive rulings;

3. inspect the work concerning institution, progress and completion of enforcement cases of the public and the private enforcement agents as well as recordation cases, and summarise and analyse the practice on those cases;

4. inspect the work of the private enforcement agents;

5. exercise ongoing control over the correct organisation and conduct of the internship for acquiring legal capacity and participate in conducting the examination for acquiring legal capacity;

6. conduct other inspections assigned by the Minister of Justice.

(2) Inspections under paragraph 1 shall be conducted according to a plan approved by the Minister of Justice.

(3) The Inspectorate with the Minister of Justice shall examine and analyse the activity of notaries jointly with the inspectors– notaries.

Article 374. (1) The Inspectorate with the Minister of Justice shall consist of inspectors headed by a chief inspector.

(2) The chief inspector and inspectors shall be appointed by the Minister of Justice. The chief inspector shall be appointed for a period of five years, and the inspectors for a period of four years; there shall be no limitations for subsequent appointments.

(3) Persons who have at least 12 and eight years of legal experience may be appointed chief inspectors and inspectors respectively.

(4) The remuneration of the chief inspector shall be equal to the remuneration of an appellate court judge, and of inspectors – to the remuneration of district court judge.

(5) Initial appointment of the chief inspector and inspectors shall take place following a competition in accordance with the Labour Code, and subsequent appointments – following appraisal.

Article 375. (1) Upon dismissal from office the chief inspector or inspectors shall be reinstated to the position occupied prior to the appointment, if it had been with the judiciary.

(2) For reinstatement under paragraph 1 the person shall, within 14 days from release from office, file an application to the Supreme Judicial Council or the Minister of Justice in case of public enforcement agents and recordation judges.

(3) Time served as chief inspector or inspector at the Inspectorate with the Minister of Justice shall be accounted for as experience under Article 164, paras 1 to 5.

Article 376. (1) For issues regarding inspectors at the Inspectorate with the Minister of Justice that are not dealt with in this section, the Labour Code shall apply.

Section III Judicial statistics

Art. 377. The Minister of Justice, the president of the Supreme Court of Cassation, the president of the Supreme Administrative Court, the Prosecutor General and the director of the National Investigation Service shall provide to the National Institute of Statistics, in accordance with the Statistics Act, statistical data to be published.

Art. 378. (1) The Unified Information System for Counteracting Crime (UISCC) is an aggregate of systems and consists of a central component (core), connected to systems of the judiciary and executive which process information about events and objects from criminal proceedings and the execution of punishments and in general provide unified information for activities related to the fight against crime.

(2) The bodies of the judiciary, the Ministry of Interior, the Ministry of Defence, and the Ministry of Justice shall, in observing the requirements under paragraph 3, set up, maintain and develop departmental information systems that are part of the UISCC and are provided for in a regulation of the Council of Ministers.

(3) The Unified Information System for Counteracting Crime shall ensure:

1. standards for information interaction and data exchange in the UISCC and between automated information systems and technologies related to the UISCC;

2. regulated unified use of information related to the fight against crime and the execution of punishments;

3. monitoring the state of play and trends in crime, progress of criminal proceedings and execution of punishments in general.

Art. 379. (1) The installation, maintenance, exploitation and development of UISCC core shall be implemented by the Ministry of Justice

(2) The Ministry of Justice shall complete the establishment and development of communication components for connection of the UISCC core with the related departmental systems. The communication components shall be exploited and

maintained by the agencies whose automated information systems are connected to the UISCC core.

(3) The institutions whose automated information systems are connected to the UISCC core shall be bound to provide the data necessary for the UISCC operation.

Art. 380. In the course of design, development and installation of automated information systems within the law-enforcement and law-administering bodies compatibility shall be ensured between them and the UISCC standards.

Art. 381. (1) Funds for installation, maintenance, operation and development the UISCC core as well as the costs for communication with the central components of connected systems shall be provided by the budget of the Ministry of Justice.

(2) The bodies under Article 378, para 2 shall ensure from their respective budgets financing of the installation, maintenance, operation and development of the UICC departmental components.

Art. 382. (1) The Ministry of Justice, jointly with the National Statistics Institute shall design and maintain:

1. nomenclatures and classifications, allowing for compatibility in terms of terminology, objects and nomenclature of the information databases of the respective departments with the UISCC;

2. methodologies for statistical processing of data related to criminal proceedings and execution of punishments.

(2) The bodies under Article 378, para 2 shall ensure the respective departmental nomenclatures and classifications necessary for the operation of the UISCC.

(3) The National Statistics Institute shall conduct statistical processing of data regarding convicted crime in the UISCC national database. The statistical information received shall be provided under the terms stipulated by the Statistics Act.

Art. 383. (1) Methodological guidance over the UISCC shall be carried out by an Interdepartmental Council.

(2) The Interdepartmental Council shall comprise representatives of: the president of the Supreme Court of Cassation, the president of the Supreme Administrative Court, the Prosecutor General, the Director of the National Investigation Service, the Minister of Interior, the Minister of Defence, the Minister of Justice, the Minister of Finance and the chairman of the National Statistics Institute.

(3) The Minister of Justice shall be a Chairman of the Interagency Council.

(4) The organisation of the activity of the Interdepartmental Council and on the terms and conditions for interaction between the bodies of the judiciary and the ministries in ensuring the operation of the UISCC shall be set down in the regulation referred to in Article 378, para 2.

(5) Implementation of the Interdepartmental Council decisions shall be secured by:

1. heads of the institutions represented in the council;
2. the Minister of Justice in relation to the courts that are not represented in the council.

Article 384. (1) Access to data contained in the UISCC shall be granted to the following persons:

1. officials discharging statutory functions related to criminal proceedings and execution of punishments;
2. persons who are granted access by the bodies of the judiciary and the ministries under Art. 378, para 2;
3. other persons designated in a decision of the Interdepartmental Council.

(2) Access to data contained in the UISCC shall also be granted to other persons outside the scope of paragraph 1 following written consent of the person whose data are recorded in the UISCC National database.

(3) A publicly accessible ring containing data determined by law may be set up with the UISCC core.

Article 385. (1) Providing information services related to activities within the judiciary shall be based on the use of IT systems approved by the Supreme Judicial Council and the Ministry of Justice.

(2) Activities related to setting up, installation and development of the systems under paragraph 1 shall be co-ordinated by the Ministry of Justice and shall be based on:

1. interagency technological, information and communication standards and methodologies;
2. rules for security of information and information exchange.

(3) The Ministry of Justice shall exploit the central components of the systems of the courts.

(4) Activities under paragraphs 2 and 3 shall be implemented jointly with the Ministry of Finance, the Ministry of Regional Development and Public Works, the National Statistics Institute and the Bulgarian Institute for Standardisation.

(5) The Minister of Justice, in co-ordination with the Supreme Judicial Council shall issue a regulation concerning the procedure for setting up, installation, use and development of IT systems within the judiciary.

Article 386. (1) The Minister of Justice, jointly with the Supreme Judicial Council and the Interdepartmental Council shall issue a regulation concerning the procedure for maintenance and distribution of the standards under Art. 378, para 3, item 1 and Art. 385, para 2, item 1.

(2) Standards under Art. 385, para 2, item 1 shall comply with standards under Art. 378, para 3, item 1.

(3) The development and maintenance of standards shall be assisted by the National Statistics Institute and the Bulgarian Institute for Standardisation.

(4) Standards shall be distributed by the Ministry of Justice.

Section IV Management of the Judiciary Property

Art. 387. (1) The Minister of Justice shall organise the management of the judiciary property – real estates and moveable properties.

Art. 388. (1) The Minister of Justice shall allocate real estates provided to the judiciary to the separate bodies of the judiciary and may assign their maintenance to their administrative heads.

(2) Funds for construction and basic refurbishment of real estates as well as funds for obligations related to the ownership of real estates like fees, taxes, and rentals shall be provided by the Ministry of Justice budget.

Art. 389. The use of real estate provided for the purposes of the judiciary may not be altered.

Art. 390. (1) The Minister of Justice shall assign the general management and maintenance of moveable property to the administrative heads of the bodies of the judiciary.

(2) Funds to ensure the activities under paragraph 1 shall be provided by the judiciary budget.

(3) The Minister of Justice may, with the consent of the administrative heads, reassign the management of moveable property from one body of the judiciary to another.

Section V Security Guard

Art. 391. (1) The Ministry of Justice shall discharge security-related activity through the Security Directorate General.

(2) The Security Directorate General shall:

1. organise and ensure security of judicial buildings;
2. ensure the order in judicial buildings as well as the safety of judiciary bodies in the course of discharging their powers;
3. organise and ensure security of judges, prosecutors, investigators, and protected persons under the terms and procedures provided for by law;
4. assist the judiciary in serving summons to persons and in enforcing judgments;

5. forcibly bring persons where this has been ruled by a body of the judiciary;
 6. safe convoy accused persons and defendants for whom custodial sentence has been issued and persons serving time in prisons to the bodies of the judiciary outside the cases referred to in the Ministry of Interior Act.
 7. execute prosecutors' orders for enforcement of effective sentences;
 8. perform checks and control observation of rules and norms regarding security and safety in the design, construction and exploitation of judiciary building;
 9. co-ordinate projects and give opinions on security and safety as regards putting in operation judiciary buildings;
 10. set up and maintain for the purposes of its activity data funds where it shall store, process, preserve and use information acquired in the course of or on the occasion of discharge of its functions;
 11. receive from the Ministry of Interior information related to the discharge of its functions.
- (3) The rules and provisions for safety and security regarding the design, building, reconstruction, modernisation and exploitation of the sites of the judiciary shall be determined by an ordinance issued by the Minister of Justice agreed upon with the Minister of Regional Development and Public Works.
- (4) The type of information under paragraph 2, item 11 and the procedure for its provision shall be determined by an ordinance issued by the Minister of Justice and the Minister of Interior.

Article 392. Security General Directorate officers shall be bound, in exercising their powers, to respect the dignity of citizens and their rights and legal interests.

Article 393. (1) The staff of the Security Directorate General shall have, in exercising their powers under Article 391, para 2, the rights and obligations under Articles 56, 57, 61, 63 to 67, 72, 73 and 74, paras 1 and 2 of the Ministry of Interior Act.

(2) The provision of Articles 20 – 20e of the Execution of Punishments Act shall apply to the security guard staff.

Article 394. Citizens and public officials shall be obliged to assist Security Directorate General officials in the discharge of their duties, including by providing information and documents observing the state, official, and company secret and personal information.

Chapter twenty-first EXPERT WITNESSES

Article 395. (1) Expert witnesses shall carry out expert assessments.

(2) All state bodies, legal persons and citizens holding materials necessary for the expert assessment shall allow the expert witness access to them according to his

level of access to classified information and co-operate for the completion of the expert assessment tasks.

Article 396. (1) The body assigning the expert assessment shall appoint an expert witness following random selection from a list of the respective experts approved as expert witnesses.

(2) Where appropriate an expert who is not included in the respective list may be appointed expert witness.

(3) More than one expert witness may be appointed in case the investigation is complex and complicated.

(4) In discharging his functions the expert witness shall identify himself with a certificate issued by the body that has assigned the expert assessment.

Article 397. Expert witnesses having interest in the outcome of a proceeding or having relations with any of the parties that may give rise to reasonable doubts as to his impartiality may not be assigned an expert assessment.

Article 398. (1) A list of the specialists approved for expert witnesses shall be prepared for each judicial area of district and administrative courts.

(2) The Supreme Court of Cassation, the Supreme Administrative Court, the Supreme Prosecution of Cassation, the Supreme Administrative Prosecution and the National Investigation Service shall approve, where necessary, a separate list for their needs.

(3) Bodies of the judiciary may appoint expert witnesses from the lists of other judicial areas should their needs so require.

(4) The lists under paragraphs 1 and 2 shall be public.

Article 399. (1) The ministries, agencies, institutions, municipalities, professional and other organisations and research institutes shall make proposals for including specialists in the expert witnesses lists

(2) The specialists themselves can make proposals for the expert witnesses' lists.

(3) Proposals for the lists under Article 398, para 1 shall be made to the chairman of the respective district or administrative court.

(4) Proposals for the list under Article 398, paragraph 2 shall be made to the administrative head of the respective judiciary body.

Article 400. (1) The proposals shall include the names of the expert, his home address, telephone and information about his education, specialty, place of work, position occupied, length of service, experience as expert witness and additional qualifications.

(2) Data under paragraph 1 shall be evidenced with the respective documents enclosed to the proposal.

Article 401. (1) The lists under Article 398, paragraph 1 shall be approved by a committee comprising: the chairman of the court of appeal or a judge designated by him, the prosecutor of appeal or a prosecutor designated by him, the chairman of the district court, the district prosecutor, the chairman of the administrative court and the director of the district investigation service.

(2) The lists under Article 398, paragraph 2 shall be approved by a committee comprising: the president of the Supreme Court of Cassation, the president of the Supreme Administrative Court, the Prosecutor General and the director of the National Investigation Service.

(3) The approved lists shall be sent to the Minister of Justice for publication in the State Gazette and for posting on the Internet.

Article 402. (1) Proposals for amendments and supplements of the approved lists of expert witnesses shall be made by the end of September in the respective calendar year.

(2) The committees under Article 401 paras 1 and 2 shall update the lists by the end of October.

(3) By 15 November the lists shall be sent to the Minister of Justice for publication in the State Gazette and posting on the Internet.

(4) Amendments of the lists may also be made during the current year.

Article 403. (1) The Supreme Judicial Council shall issue an ordinance on:

1. the procedure and terms for proposals for insertions and amendments in the lists of approved expert witnesses;

2. the requirements the specialists approved for expert witnesses shall meet;

3. the procedure and terms for determining expert witnesses' remuneration.

(2) The ordinance shall be promulgated in the State Gazette.

Chapter Twenty-Two ADMINISTRATIVE PENAL PROVISIONS

Article 404. (1) Fine of BGN 300 to 600 shall apply to head of public or municipal administration, organisation, or employer having rejected official leave to a person summoned to participate as a juror, or prevents his participation in court proceedings.

(2) The fine shall be imposed by the chairman of the court and may be cancelled as provided for by the Civil Procedures Code.

Article 405. (1) Fine of BGN 50 to BGN 2,000 shall be imposed unless a heavier sanction applies to any person who has failed to comply with a ruling of a

judge, prosecutor, investigator, public enforcement agent or recordation judge issued following the respective procedure under this Act.

(2) The fine shall be imposed by an order or decree and the person shall be allowed to give explanations regarding the violation.

(3) The judge, prosecutor, investigator, public enforcement agent or recordation judge having imposed the sanction may cancel or decrease the amount of fine upon complaint of the sanctioned person filed within seven days from notification.

(4) The resolution or decree on the complaint shall not be subject to appeal.

Article 406. A person having failed to comply with instructions given by a Security Directorate General officer of the Ministry of Justice in discharging his functions shall be sanctioned with a fine from BGN 50 to BGN 2,000.

Article 407. The heads of public bodies, legal persons and citizens who have guiltily failed to perform their duties stipulated in Article 394 shall be sanctioned with a fine of BGN 200 to BGN 3,000.

Article 408. (1) Acts establishing violations under Article 406 or 407 shall be drawn up by Security Directorate General officers.

(2) Penal decrees shall be issued by the Minister of Justice or by an official authorised by the latter.

(3) The Administrative Violations and Sanctions Act shall apply to the procedure for establishing violations, issue, appeals and execution of penal decrees.

TRANSITIONAL AND FINAL PROVISIONS

§ 1. The Judicial System Act (promulgated State Gazette No. 59/1994, No. 78/1994 – Ruling No. 8/1994 of the Constitutional Court, SG 87/1994 – Ruling No. 9/1994 of the Constitutional Court, SG No. 93/1995 – Ruling No. 17/1995 of the Constitutional Court; amended SG No. 64/1996; 96/1996 - Ruling No. 19/1996 of the Constitutional Court; amended SG Nos. 104 and 110 of 1996; SG Nos. 58, 122, 124/1997; SG Nos. 11 and 133 of 198, SG No. 6/1999 – Ruling No. 1/1999 of the Constitutional Court; amended SG Nos. 34, 38 and 84 of 2000, SG No. 25/2001, SG No. 74/2002, SG No. 110/2002 – Ruling No. 11/2002 of the Constitutional Court, SG No. 118/2002 – Ruling No. 13/2002 of the Constitutional Court; amended SG Nos. 61 and 112 of 203, SG Nos. 29, 36 and 70 of 2004, SG No. 93/2004 – Ruling No. 4/2004 of the Constitutional Court, SG No. 37/2005 – Ruling No. 4/2005 of the Constitutional Court; amended SG Nos. 43 and 86 of 2005, SG No. 17/2006, SG No. 23/2006 – Ruling No. 1/2006 of the Constitutional Court, SG Nos. 30 and 39 of 2006) shall be repealed.

§ 2. (1) Meetings under Article 21 and the meeting under Article 23, para 3 shall be convened by 5 September 2007.

§ 3. The meetings under Article 23, paras 1 and 2 shall be convened by 21 September 2007.(2) The meetings, which have not be held by the terms stipulated in paragraph 1, shall be convened by the Minister of Justice and shall take place by 28 September 2007.

§ 4. The National Assembly shall elect the Supreme Judicial Council members from the Parliament quota by 28 September 2007.

§ 5. (1) The newly elected Supreme Judicial Council shall be deemed constituted once the elected members, together with the ex officio members, constitute two thirds of its composition.

(2) The work of the currently functioning Supreme Judicial Council shall be terminated as from the constitution of the newly elected Supreme Judicial Council following the procedure set forth by this Act.

§ 6. Proceedings before the Supreme Administrative Court on complaints against Supreme Judicial Council decisions that have not been concluded shall be completed following the existing procedure.

§ 7. (1) Proposals for chief inspector and inspectors at the Inspectorate with the Supreme Judicial Council shall be made by 15 October 2007.

(2) The chief inspector and inspectors shall assume office within one month following election.

(3) The chief inspector and inspectors shall be bound to vacate the positions held by them and to terminate the activities under Article 18 prior to taking office; the spokesperson of the National Assembly shall be notified accordingly.

§ 8. Current district judges, district prosecutors, administrative court judges, appellate court judges and appellate prosecutors who do not satisfy the requirements for length of service under Article 164, paras 2, 3 and 4, shall keep the positions they hold.

§ 9. The Council of Ministers shall, within three months as for entry of this Act into force, ensure working premises for the Inspectorate with the Supreme Judicial Council.

§ 10. Presidents of divisions at the Supreme Court of Cassation and the Supreme Administrative Court, heads of departments at the Supreme Prosecution Office of Cassation and the Supreme Administrative Prosecution Office, as well as heads of departments at the National Investigation Service shall preserve the amount of the remuneration they receive by the entry into force of this Act.

§ 11. (1) Service as arbiter under the repealed State Arbitration Act shall be recognised as length of judge service for the purposes of Article 164, paras 1 to 5.

(2) Service of current judges, designated by of the Republic of Bulgaria in international courts set up on the basis of an international agreement to which the Republic of Bulgaria is a party, or in the framework of an international organisation, of which Republic of Bulgaria is a member, shall be recognised as length of judge service for the purposes of Article 164, paras 1 to 5.

§ 12. Competitions for judges, prosecutors, investigators, public enforcement agents and recordation judges scheduled before the effective date of this Act shall beheld following the procedure existing hitherto.

§ 13. Additional remuneration for continuous work of judges, prosecutors, and investigators, which before the effective date of this Act exceeds 40 percent, shall be preserved in the limits set and may not be increased.

§ 14. The Defence and the Armed Forces of the Republic of Bulgaria Act shall apply as regards military judges, military prosecutors and military investigators whereas the years served in the system of the Ministry of Interior shall be accounted for as military service.

§ 15. Disciplinary proceedings that have not been concluded before the effective date of this Act shall be completed by 31 December 2007 following the existing procedure hitherto. The expiry of this term shall not constitute grounds for exemption of liability.

§ 16. The three-year term for assuming office shall apply to current junior judges, junior prosecutors, and junior investigators.

§ 17. (1) For the current judicial inspectors the term under Article 374, para 2 shall run as from the date of their last appointment.

(2) The Inspectorate with the Minister of Justice shall, by the election of a chief inspector and inspectors at the Inspectorate with the Supreme Judicial Council, continue to exercise its powers under Article 35b, paragraph 1, items 1 and 3 of the repealed Judicial System Act.

§ 18. Service as judicial candidate or intern, where it has been rendered after sitting state graduation exams in law, shall be recognised as length of service.

§ 19. Chapter Sixteen, comprising Articles 258 to 266 of the Administrative Code of Procedure (SG No. 30/2006) shall be repealed.

§ 20. In the Penal Procedure Code (promulgated SG No. 26/1968; revised SG 29/1968; amended SG No. 92/1969, Nos. 26 and 27 of 1973, No. 89/1974, No. 95/1975, No. 3/1977, No. 54/1978, No. 89/1979, No. 28/1982, revised No. 31/1982; amended SG No. 44/1986; amended SG Nos. 37, 91 and 99 of 1989, Nos. 10, 31 and 81 of 1990, Nos. 1 and 86 of 1991; revised SG No. 90/1991; amended SG No. 105/191, No. 54/1992, No. 10/1993, No. 50/1995, No. 97/1995 – Ruling No. 19/1995 of the Constitutional Court; amended SG No. 102/1995, No. 107/1996, Nos. 62 and 85 of 1997, No. 120/1997 – Ruling No. 19/1997 of the Constitutional Court; amended SG Nos. 83, 85, 132, 133 and 153 of 1998; Nos. 7, 51 and 81 of 1999; amended Nos. 21 and 51 of 2000, No. 98/2000 – Ruling No. 14/2000 of the Constitutional Court; amended Nos. 41 and 101 of 2001, Nos. 45 and 92 of 2002, Nos. 26 and 103 of 2004, Nos. 24, 43, 76, 86 and 88 of 2005, Nos. 59, 75 and 102 of 2006, Nos. 38 and 57 of 2007) everywhere the words ‘assistant enforcement agent’ shall be replaced by ‘assistant public enforcement agent’.

§ 21. The following amendments shall be made in the Social Insurance Code (promulgated SG No. 110/1995, SG No. 55/2000 – Ruling No. 5/2000 of the Constitutional Court; amended SG No. 64/2000, Nos. 1, 35 and 41 of 2001, Nos. 1, 10, 45, 74, 112, 119 and 120 of 2002, Nos. 8, 42, 67, 95, 112 and 114 of 2003, Nos. 12, 38, 52, 53, 69, 70, 112 and 115 of 2004, Nos. 38, 39, 76, 102, 103, 104 and 105 of 2005, Nos. 17, 30, 34, 56, 57, 59, 68, 82, 95, 102 and 105 of 2006, Nos. 41 and 52 of 2007):

1. The words ‘Article 131, para 1, items 2, 3 and 6 and Article 152, para 1, items 2, 3 and 4’ in Article 54b, para 3 shall be replaced with ‘Article 165, para 1, items 2, 3 and 5 and Article 271, items 2, 3 and 5’.

2. The words ‘Article 139e’ in Article 54f shall be replaced with ‘Article 226’.

3. The words ‘Article 36e’ in Article 69 shall be replaced with ‘Article 391’.

4. The words ‘enforcement judge’ in Article 230, para 3, item 3, littera ‘b’ shall be replaced with ‘public enforcement agent’.

5. The words ‘enforcement judge’ in Article 262, para 1, item 3 shall be replaced with ‘public enforcement agent’.

6. The words ‘enforcement judge’ in Article 282, para 1, item 3, littera ‘b’ shall be replaced with ‘public enforcement agent’.

7. The words ‘Article 131, para 1, items 2, 3 and 6 and Article 152, para 1, items 2, 3 and 4’ in Article 287, para 2 shall be replaced with ‘Article 165, para 1, items 2, 3 and 5 and Article 271, items 2, 3 and 5’.

§ 22. The words ‘Article 119’ in Article 5, item 2 of the State Financial Inspection Act (promulgated SG No. 33/2006; amended SG No. 59/2006) shall be replaced with ‘Article 145’.

§ 23. The words ‘Article 127, paras 1 to 4’ in § 2, para 3 of the Transitional and Final Provisions of the Civil Servant Act (promulgated SG No. 66/1999; amended SG

No. 1/2000, SG Nos. 25, 99 and 110 of 2001, No. 45/2002, No. 95/2003, No. 70/2004, No. 19/2005, Nos. 24, 30 and 102 of 2006, No. 59/2007) shall be replaced with ‘Article 164, paras 1 to 5’.

§ 24. The words ‘Article 201’ in Article 226, para 2 of the Consumer protection Act (promulgated SG No. 99/2005; amended SG Nos. 30, 51, 53, 59, 105 and 108 of 2006, Nos. 31, 41 and 59 of 2007) shall be replaced with ‘Article 405’.

§ 25. The following amendments and supplements shall be made in the Ministry of Interior Act (promulgated SG No. 17/2006; amended SG Nos. 30, 102 and 105 of 2006, Nos. 11, 31, 41, 46 and 57 of 2007):

1. The words ‘Article 163’ in Article 212, para 1, item 10 shall be replaced with ‘Article 294’.

2. The word ‘regional’ in Article 219, para 2 shall be repealed, and the words ‘Article 118a, para 3’ shall be replaced with ‘Article 144, para 3’.

3. The word ‘regional’ in Article 220 shall be repealed, and the words ‘under Article 144, para 3 of the Judicial System Act’ shall be added at the end.

§ 26. The following amendments and supplements shall be made in the Notaries and Notary Activity Act (promulgated SG No. 104/1996; amended SG Nos. 117, 118 and 123 of 1997, No. 24/1998, No. 69/1999, No. 18/2003, Nos. 29 and 36 of 2004, Nos. 19 and 43 of 2005, Nos. 30, 39 and 41 of 2006, No. 59/2007):

1. The words ‘assistant enforcement agent’ in Article 8, para 2 shall be replaced with ‘assistant public enforcement agent’.

2. A second sentence shall be added in Article 80b, para 1: ‘The Minister of Justice shall assign to inspectors at the Inspectorate with the Minister of Justice under the Judicial System Act and to notary inspectors under Article 80c, para 4 conducting joint inspections’.

3. Article 80c, para 1 shall hereby be repealed.

§ 27. The following amendments and supplements shall be made in the Personal Income Tax Act (promulgated SG No. 95/2006; amended SG No. 52/2007):

1. The words ‘Article 139d, Article 139f, para 1, items 1 and 2, Article 157a, para 3 and Article 180n’ in Article 24, para 2, item 8 shall be replaced with ‘Article 225, Article 277, para 3 and Article 354’.

2. In § 1, item 26, littera ‘c’ of the Transitional and Final Provisions the words ‘chief inspector and inspectors at the Inspectorate with the Supreme Judicial Council’ shall be added after the words ‘the Supreme Judicial Council’.

§ 28. The words ‘Article 127, paras 1 to 4’ in Article 27, para 4 of the Audit Office Act (promulgated SG No. 109/2001; amended SG No. 45/2002, No. 31/2003, No. 38/2004, Nos. 34 and 105 of 2005, Nos. 24, 27, 33 and 37 of 2006) shall be replaced with ‘Article 164, paras 1 to 5’.

§ 29. The following amendments shall be made in the Private Enforcement Agents Act (promulgated SG No. 43/2005; amended SG No. 39/2006, Nos. 31 and 59 of 2007):

1. Item 1 of Article 75, para 1 shall be amended as follows:

‘1. inspectors at the Inspectorate with the Minister of Justice under the Judicial System Act;’.

2. The words ‘assistant enforcement agent(s)’ shall be replaced everywhere with ‘assistant public enforcement agent(s)’.

§ 30. (1) Bylaws issued in relation to the application of and on the basis of the repealed Judicial System Act shall be applied by the time the respective new bylaws are issued, as far as they do not contradict this Act.

(2) Bylaws on the implementation of this Act shall be passed or issued by 31 December 2007.

(3) The Inspectorate with the Supreme Judicial Council shall adopt the rules under Article 55, para 4 within one month as from the election of the chief inspector and inspectors.

(4) Within three months as of the effective date of this Act the Council of Ministers shall adopt the regulation under Article 378, para 2.

(5) The Minister of Justice shall issue the following:

1. the regulation under Article 385, para 5 – within three months as of the entry into force of this Act;

2. the regulation under Article 386, para 1 – within six months as of the entry into force of this Act.

This Act has been adopted by the 40th National Assembly on 24 July 2007 and has been sealed with the official seal of the National Assembly.