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Version finale

**Answer to the
REVISED SCHEME
FOR
EVALUATING JUDICIAL SYSTEMS
2004 Data**

**Réponse à la
GRILLE REVISEE
POUR
L'ÉVALUATION DES SYSTÈMES JUDICIAIRES
Données 2004**

BULGARIA/BULGARIE

Strasbourg, 23 June 2005

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**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)**

DRAFT REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS

**adopted by the CEPEJ at its 5th Plenary Meeting
(Strasbourg, 15 – 17 June 2005)**

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DRAFT REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS

COUNTRY:

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I. Demographic and economic data

I. A. General information

1. **Number of inhabitants** 7 761049
Source National Statistical Institute
2. **Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level**
State level €
Regional / entity level €
Source
3. **Per capita GDP** €
Source
4. **Average gross annual salary** € 2417
Source National Statistical Institute

I. B. Budgetary data concerning judicial system

5. **Total annual budget allocated to all courts** 48 900 313 €
Source Supreme Judicial Council

Please specify:

6. Within this budget, can you isolate the following budgets and specify, if appropriate, their amount:

	Yes	Amount
▪ Salaries?	<input type="checkbox"/>	<input type="text"/> €
▪ IT?	<input type="checkbox"/>	<input type="text"/> €
▪ Justice expenses borne by the State?	<input type="checkbox"/>	<input type="text"/> €

Source

7. Annual public budget spent on legal aid 1 571 358 €

Source Supreme Judicial Council

8. If possible, please specify:

▪ the annual public budget spent on legal aid in criminal cases	<input type="text"/> €
▪ the annual public budget spent on legal aid in other court cases	<input type="text"/> €

Source

9. Annual public budget spent on prosecution system 22 826 626 €

Source Supreme Judicial Council

10. Bodies formally responsible for budgets allocated to the courts:

	Preparation of the budget (Yes/No)	Adoption of the budget (Yes/No)	Management and allocation of the budget among courts (Yes/No)	Evaluation of the use of the budget (Yes/No)
Ministry of Justice	N	N	N	N
Other ministry. Please specify	N	N	N	N
Parliament	N	N	N	N
Supreme Court	N	N	N	N

Judicial Council	Y	Y	Y	Y
Courts	N	N	N	N
Inspection body. Please specify.	N	N	N	Chamber of accounts; Internal finance control
Other. Please specify	N	N	N	N

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your budgetary system**

II. Access to Justice and to all courts

II. A. Legal aid

11. Does legal aid concern:

	Criminal cases	Other than criminal cases
Representation in court (Yes/No)	Yes	Yes
Legal advice (Yes/No)	Yes	Yes
Other (Yes/No). Please specify		

12. **Number of legal aid cases:**
- total
 - criminal cases
 - other than criminal cases

Source

13. **In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer?**

Yes No

14. **Does your country have an income and asset test for granting legal aid:**

	No	Yes/Amount
▪ for criminal cases?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ for other than criminal cases?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source Ministry of Justice

15. **In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?**

Yes No

16. **If yes, is the decision taken by:**
- the court?

Yes

- a body external to the court?
- a mixed decision-making body (court and external)?

17. **In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:**

	Yes	No
▪ for criminal cases?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ for other than criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If yes, are there exceptions? Please specify:

For explicitly specified number of cases set in art.63 of the Civil Procedure Code, a certain category of people do not pay taxes and fees

18. **Is there a private system of legal expense insurance for individuals in order to finance legal proceedings to court?**

No
 Yes Please specify:

19. Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:

- | | Yes | No | |
|------------------------------|--------------------------|-------------------------------------|--------------------------|
| ▪ criminal cases? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ other than criminal cases? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system

The Law on legal aid has entered into force on 1st of January 2006 and for this reason no number of legal aid cases can not be given yet.

II. B. Users of the courts and victims

II. B. 1. Rights of the users and victims

20. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to:

- | | Yes | No | |
|--|--------------------------|-------------------------------------|--------------------------|
| ▪ legal texts (e.g. codes, laws, regulations, etc.)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Internet address(es): www.justice.government.bg
www.lex.bg

- | | | | |
|-----------------------------------|--------------------------|-------------------------------------|--------------------------|
| ▪ case-law of the higher court/s? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-----------------------------------|--------------------------|-------------------------------------|--------------------------|

Internet address(es): <http://www.constcourt.bg/> - Constitutional court
<http://www.sac.government.bg/> - Supreme Administrative Court
<http://www.vss.justice.bg/> - Supreme Judicial Council
www.sac.government.bg

- | | | | |
|---|--------------------------|-------------------------------------|--------------------------|
| ▪ other documents (for examples legal forms)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|-------------------------------------|--------------------------|

Internet address(es): www.justice.government.bg
<http://www.justice.government.bg/registers.aspx>
<http://www.justice.government.bg/Direkcii/apps.aspx?id=central>

21. Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

Yes No X

If yes, please specify:

22. Is there a public and free-of-charge specific information system to inform and to help victims of crimes?

Yes No N

23. Are there special arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism (Yes/No)	Hearing modalities (Yes/No)	Procedural rights (Yes/No)	Other (Yes/No). Please specify
Victims of rape	Yes	Yes	Yes	
Victims of terrorism	No	No	No	
Child/Witness/Victim	Yes	Yes	Yes	
Victims of domestic violence	Yes	Yes	Yes	
Ethnic minorities	No	No	No	
Disabled persons	Yes	Yes	Yes	
Juvenile offenders	Yes	Yes	YES	
Other				

24. Does your country have compensation procedure for victims of crimes?

Yes No N

25. If yes, does this compensation procedure consist in:

- a public fund?
- a court order?
- private fund?

Yes

26. If yes, which kind of cases does this procedure concern?

27. For victims, are there studies to evaluate the recovery rate of the compensation awarded by courts?

No N
Yes

Please specify:

II. B.2. Confidence of citizens in their justice system

28. Is there a system for compensating users in the following circumstances:

- excessive length of proceedings?
- wrongful arrest?
- wrongful condemnation?

Yes No

Y
Y
Y

If yes, please specify (fund, daily tariff):

LAW ON THE STATE LIABILITY FOR DAMAGES INFLICTED ON CITIZENS GIVES THE CITIZENS THE POSSIBILITY TO LOOK FOR REIMBURSEMENT

29. Does your country have surveys on users or legal professionals (judges, lawyers, officials, etc.) to measure public trust and satisfaction with the services delivered by the judiciary system?

Yes X No

If possible, please specify their titles, how to find these surveys, etc:

30. If yes, please specify:

	Trough systematic surveys (Yes/No)	Through ad hoc surveys (Yes/No)
Surveys at national level		
Surveys at court level		

31. Is there a national or local procedure for making complaints about the performance of the judicial system?

Yes X No

32. If yes, please specify:

	Time limit to respond (Yes/No)	Time limit for dealing with the complaint (Yes/No)
Court concerned	YES	YES
Higher court	YES	YES
Ministry of Justice	YES	YES
High Council of Justice	YES	YES
Other external organisations (e.g. Ombudsman)		

Can you give information elements concerning the efficiency of this complaint procedure?

III. Organisation of the court system

III. A. Functioning

33. Total number of courts (administrative structure):

- first instance courts of general jurisdiction 145

Source *Ministry of Justice*

- specialised first instance courts

Source

Please specify the different areas of specialisation (and, if possible, the number of courts concerned):

34. Total number of courts (geographic locations) 153

Source Ministry of Justice

35. Number of first instance courts competent for a case concerning:

▪ a debt collection for small claims 112

Please specify what is meant by small claims in your country:

▪ a dismissal 112

▪ a robbery 145

36. Number of professional judges sitting in courts
(present the information in full time equivalent and for permanent posts)

Source

37. Number of professional judges sitting in courts
(present the information in full time equivalent and for permanent posts)

Number of judges: 1751

Year: 2004

38. Number of non-professional judges (including lay judges) who are not remunerated but who can possibly receive a simple defrayal of costs

Source

Please specify:

39. Does your judicial system include trial by jury with the participation of citizens?

No
Yes

For which type of case(s)?

Criminal cases

If possible, number of citizens who were involved in such juries for the year 2004?

40. Number of non-judge staff who are working in courts

(present the information in full time equivalent and for permanent posts)

Source

41. If possible, could you distribute this staff according to the 3 following categories:

- non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars:
- staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management):
- technical staff:

42. In courts, do you have non-judge staff entrusted with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal (such as German and Austrian Rechtspfleger):

No
Yes

No
 Number of staff

43. Number of public prosecutors

(present the information in full time equivalent and for permanent posts)

Source

44. Do you have persons who have similar duties as public prosecutors?

No
Yes

No
 Please specify:

45. Is the status of prosecutors:

- independent within the judiciary? Yes
- independent from the judiciary? Yes
- under the authority of the Ministry of Justice?

46. Number of staff (non prosecutors) attached to the public prosecution service

(present the information in full time equivalent and for permanent posts)

Source

Yes

No

47. Who is entrusted with the individual court budget?

	Preparation of the budget (Yes/No)	Arbitration and allocation (Yes/No)	Day to day management of the budget (Yes/No)	Evaluation and control of the use of the budget (Yes/No)
Management Board				
Court President	Yes	Yes	Yes	Yes
Court administrative director				
Head of the court clerk office	Yes	Yes	Yes	Yes
Other: a chief accountant; audit bodies (Chamber of accounts; Internal finance control)	Yes	Yes	Yes	Yes

48. In general, do the courts in your country have computer facilities?

Yes No - Y

49. What are the computer facilities used within the courts?

Functions	Facilities	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Direct assistance to the judge/court clerk	Word processing	Yes			
	Electronic data base of jurisprudence	Yes			
	Electronic files	Yes			
	E-mail	Yes			
	Internet connection	Yes			
Administration and management	Case registration system		Yes		
	Court management information system		Yes		
	Financial information system	Yes			
Communication between the court and the parties	Electronic forms			Yes	
	Special Website		Yes		
	Other electronic communication facilities				

Source : Supreme Judicial Council

50. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

No

Yes **Please specify the name and the address of this institution:**

Y- The Supreme Judicial Council and the Ministry of Justice

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system

III. B. Monitoring and evaluation

51. Are the courts required to prepare an annual activity report?

Yes Yes

No

52. Do you have a regular monitoring system of court activities concerning the:

- | | | | |
|------------------------------|-----|-----|--------------------------|
| | Yes | No | |
| ▪ number of incoming cases? | | Yes | <input type="checkbox"/> |
| ▪ number of decisions? | Yes | | <input type="checkbox"/> |
| ▪ number of postponed cases? | Yes | | <input type="checkbox"/> |
| ▪ length of proceedings? | Yes | | <input type="checkbox"/> |
| ▪ other? | | | <input type="checkbox"/> |
- Please specify: work-load of magistrates

53. Do you have a regular evaluation system of the performance of the court?

- No
- Yes Please specify:

By the Inspectorate at the Minister of Justice under the Law on the Judiciary

54. Concerning court activities, have you defined:

- performance indicators? Yes No

Please specify the 4 main indicators for a proper functioning of justice:

- targets? Yes No

Please specify who is responsible for setting the targets:

- | | | |
|----------------------|-----|--------------------------|
| - executive power? | Yes | <input type="checkbox"/> |
| - legislative power? | | <input type="checkbox"/> |
| - judicial power? | X | <input type="checkbox"/> |
| - other? | | <input type="checkbox"/> |
- Please specify:

Please specify the main objectives applied:

Source Ministry of Justice

55. Which authority is responsible for the evaluation of the performances of the courts:

- | | | |
|----------------------------------|-----|--|
| | Yes | <input type="checkbox"/> |
| ▪ the High Council of judiciary? | | <input type="checkbox"/> |
| ▪ the Ministry of justice? | x | <input type="checkbox"/> |
| ▪ an Inspection body? | | <input type="checkbox"/> |
| ▪ the Supreme Court? | | <input type="checkbox"/> |
| ▪ an external audit body? | | <input type="checkbox"/> |
| ▪ other? | | <input type="checkbox"/> Please specify: |

the Inspectorate at the Minister of Justice under the Law on the Judiciary

56. Does the evaluation system include quality standards concerning judicial decisions?

- No
- Yes Please specify:

It can follow to disciplinary sanctions

Source Supreme Judicial Council

57. Is there a system enabling to measure the backlogs and to detect the cases which are not processed within an acceptable timeframe for:

- | | | |
|-------------------------|----------------------------|--------------------------|
| | Yes | No |
| ▪ civil cases? | X <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ criminal cases? | X <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ administrative cases? | X <input type="checkbox"/> | <input type="checkbox"/> |

58. Do you have a way of analysing queuing time during court procedures?

- No
- Yes Please specify:

59. Do you monitor and evaluate the performance of the prosecution services?

No
Yes **Please specify:**

The Inspectorate at the Minister of Justice under the Law on the Judiciary

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your court monitoring and evaluation system**

IV. Fair trial

IV. A. Fundamental principles

60. **Is there in your judicial system:**

- **a right for an interpreter for all those within your jurisdiction who cannot understand or speak the language used in court?**
Yes X No
- **the right to have reasons given for all prisons sentences?**
Yes X No
- **for all cases, an effective remedy to a superior jurisdiction?**
Yes X No

61. **Which is the percentage of judgements in first instance criminal cases in which the suspect is not actually present or represented?**

Source

62. **Is there a procedure to effectively challenge a judge if a party consider he/she is not impartial?**

No
Yes X Yes

If possible, number of successful challenges (in a year):

63. Please give the following data 2003 and 2004 concerning the number of cases regarding the violation of Article 6 of the European Convention of Human Rights:
Please give the following data 2003 and 2004 concerning the number of cases regarding the violation of Article 6 of the European Convention of Human Rights:

		Cases communicated by the Court		Cases declared inadmissible by the Court		Friendly settlements		Judgements establishing a violation		Judgements establishing a non violation	
		2003	2004	2003	2004	2003	2004	2003	2004	2003	2004
Criminal proceedings	Article 6§1 (equity)										
	Article 6§1 (duration)	19	28	-		-	-	3	1	-	-
	Article 6§2	-	-	-	-	-	-	-	-	-	-
	Article 6§3a	-	-	-	-	-	-	-	-	-	-
	Article 6§3b	-	-	-	-	-	-	-	-	-	-
	Article 6§3c	-	-	-	-	-	-	-	-	-	-
	Article 6§3d	-	-	-	-	-	-	-	-	-	-
	Article 6§3e	-	-	-	-	-	-	-	-	-	-
Civil proceedings	Article 6§1 (equity)	-	-	-	-	-	-	-	-	-	-
	Article 6§1 (duration)				2			4		1	
	Article 6§1 (non execution only)										

Source

Article 6&1 criminal proceedings – duration + equity together
Article 6&1 civil proceedings – duration + equity together

We have not applications communicated on art. 6§ 2 and 6 § 3 ECHR

Source Ministry of Justice

IV.B. Timeframes of proceedings
IV. B. 1. General

64. Are there specific procedures for urgent matters in:
Yes No

- civil cases?
- criminal cases?
- administrative cases?

65. Are there simplified procedures for:

- | | | |
|------------------------------------|--------------------------|--------------------------|
| | Yes | No |
| ▪ civil cases (small claims)? | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ criminal cases (petty offences)? | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ administrative cases? | <input type="checkbox"/> | <input type="checkbox"/> |

66. Is it possible for a second instance court to send back a case to a first instance court for a new examination?

Yes Yes No

67. Do courts and lawyers have the possibility to conclude agreements on modalities for processing cases (presentation of files, binding timeframes for lawyers to submit their conclusions and dates of hearings)?

No No
 Yes Please specify:

IV. B. 2. Civil and administrative cases

68. Total number of civil cases in courts (litigious and not litigious):

Please specify the main types of cases:

Family law; obligation law; company law; financial law; liquidation law; trade law; administrative law

Source

69. Litigious administrative and civil cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:

		Civil cases	Administrative cases	Divorce	Employment dismissal
	Incoming cases	573399	15267	13426	5121
	Decisions on the merits	542417	58245	11325	2869

Total number (1st instance)	Percentage of decisions subject to appeal in a higher court				
	Pending cases by 1 January 2005	68852	13917	5068	1783
	Percentage of pending cases of more than 3 years				
Average length (from date of lodging of court proceedings*)	1st instance decisions				
	2nd instance decisions				
	Total procedure				

* If you cannot calculate the average length from the date of lodging of court proceedings, how do you calculate length of proceedings?

Only for the first instance – up to 3 months and more than 3 months including the ones which have been ceased

Source Ministry of Justice

IV. B. 3. Criminal cases

70. Please describe the role and powers of the prosecutor in the criminal procedure:

- | | | |
|---|------------------------------|-----------------------------|
| | Yes | No |
| ▪ to conduct or supervise police investigation? | Yes <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ to conduct investigation? | Yes <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ when necessary, to demand investigation measures from the judge? | Yes <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ to charge? | Yes <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ to present the case in the court? | Yes <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ to propose a sentence to the judge? | Yes <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ to appeal? | Yes <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ to supervise enforcement procedure? | <input type="checkbox"/> | No <input type="checkbox"/> |
| ▪ to end the case by dropping it without the need for a judicial decision? | Yes <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ to end the case by imposing or negotiating a penalty without a judicial decision? | <input type="checkbox"/> | No <input type="checkbox"/> |
| ▪ other significant powers? | <input type="checkbox"/> | <input type="checkbox"/> |
- Please specify:

71. Does the prosecutor also have a role in civil and/or administrative cases?

No
 Yes Please specify: **Supervising**

72. **Functions of the public prosecutor in relation to criminal cases– please complete this table:**

		Total number of 1st instance criminal cases
Received by the public prosecutor		
Discontinued by the public prosecutor	In general	
	Because the offender could not be identified	
Concluded by a penalty, imposed or negotiated by the public prosecutor		
Charged by the public prosecutor before the courts		

Source

73. **Criminal cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:**

		Criminal cases	Robbery cases	Intentional homicides
Total number (1st instance)	Incoming cases	67537	1954	201
	Judicial decisions	58377	1543	183
	Convicted persons	57383	2434	263
	Acquitted persons	2953	98	15
	Percentage of decisions subject to appeal in a higher court			
	Pending cases by 1 January 2005	28117	1194	175

	Percentage of pending cases of more than 3 years			
Average length*(from the date of official charging)	1st instance decision			
	2nd instance decision			
	Total procedure			

* If you cannot calculate the average length from the date of official charging, how do you calculate length of proceedings? **Only for the first instance – up to 3 months and more than 3 months including the ones which have been ceased**

Source Ministry of Justice

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning timeframes of proceedings**

V. Career of judges and prosecutors

V. A. Appointment and training

74. Are judges initially/at the beginning of their carrier recruited and nominated by:

- a body composed of members of the judiciary? Yes
- a body composed of members external to the judiciary?
- a body composed of members of the judiciary and external to the judiciary?

75. Are prosecutors initially/at the beginning of their carrier recruited and nominated by:

- a body composed of members of the prosecution system?

- a body composed of members external to the prosecution system?
- a body composed of members of the prosecution system and external to the prosecution system?

Yes

76. Is the mandate given for an undetermined period for:

- | | | | |
|----------------|--------------------------|-------------------------------------|--------------------------|
| | Yes | No | |
| ▪ judges? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ prosecutors? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Are there exceptions ? Please specify:

The judges and the prosecutors become irremovable after 5 years length of service after a positive testimonial with a decision of the Supreme Judicial Council. The length of service includes the served years as junior judges and junior prosecutors.

If no, what is the length of the mandate:

Is it renewable?

- | | | | | |
|-------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| | | Yes | No | |
| ▪ of judges? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ of prosecutors? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of the selection and nomination procedure of judges and prosecutors

77. Nature of the training of judges:

	Compulsion (Yes/No)		Frequency (Yes/No)
Initial training	Compulsory	Yes	

	Highly recommended			
	Optional			
General in-service training	Compulsory		Annual	
	Highly recommended	Yes	Regular	Yes
	Optional		Occasional	
In-service training for specialised functions (e.g. judge for economic or administrative issues)	Compulsory		Annual	
	Highly recommended	Yes	Regular	Yes
	Optional		Occasional	
In-service training for specific functions (e.g. head of court)	Compulsory		Annual	
	Highly recommended	Yes	Regular	Yes
	Optional		Occasional	

78. Nature of the training of prosecutors:

	Compulsion (Yes/No)		Frequency (Yes/No)	
	Initial training	Compulsory	Yes	
	Highly recommended			
	Optional			
General in-service training	Compulsory		Annual	
	Highly recommended	Yes	Regular	Yes
	Optional		Occasional	
Specialised in-service training	Compulsory		Annual	
	Highly recommended	Yes	Regular	Yes
	Optional		Occasional	

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of of your training system for judges and prosecutors**

With the Law of amendment and supplement of the Law of the Judiciary, in force since 1.01.2003 has been created the National Institute of Justice

At the end of 2005 has finished the first training course for junior judges, prosecutors and investigators, at present practicing .

According to art. 35f of the Law on the Judiciary the maintaining and improvement of the qualification of junior judges, of junior prosecutors, of junior investigators, of the judges, prosecutors and investigators, of the state bailiffs, of the judges for the entries, of the judicial employees, of the inspectors and other employees of the Ministry of Justice shall be carried out by the National Institute of Justice. The National Institute of Justice is a corporate body with a seat in Sofia and it is a secondary administrator of budget credits at the Supreme Judicial Council. The financing of the Institute shall be carried out by the budget of the judicial system, by international and other programmes and projects, by donations and by own resources. Permanent lecturers at the National Institute of Justice may be judges, prosecutors, investigators and scientists on legal science. The judges, prosecutors and investigators drawn in as permanent lecturers shall use unpaid official leave. The course of training in the National Institute of Justice is six months. During this time the trainees receive a remuneration for the position they have taken. When assuming initially office in the bodies of the judicial system the judges, prosecutors and investigators pass a course for improvement of the qualification according to respective qualification programmes adopted by the Supreme Judicial Council.

V. B. Practice of the profession

79. **Gross annual salary of a first instance professional judge at the beginning of his/her career** 345 €

Source *Supreme Judicial Council*

80. **Gross annual salary of a judge of the Supreme Court or of the highest appellate court** 887 €

Source *Supreme Judicial Council*

81. **Gross annual salary of a public prosecutor at the beginning of his/her career** 345 €

Source *Supreme Judicial Council*

82. **Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court** 887 €

Source *Supreme Judicial Council*

83. **Do judges and public prosecutors have additional benefits?**

	Judges (Yes/No)	Public prosecutors (Yes/No)
Reduced taxation	No	No
Special pension	No	No
Housing		As an exception
Other financial benefit (If yes, please specify)		Uniform dress; social and health insurance

84. Can judges or prosecutors combine their work with any of the following other professions?

	Judges			Prosecutors		
	Yes with remuneration	Yes without remuneration	No	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	Yes		Yes	Yes	
Research and publication	Yes	Yes		Yes	Yes	
Arbitrator			No			No
Consultant			No			No
Cultural function		Yes			Yes	
Other function to specify	Prohibition for participation in political parties; recommended not to be politically engaged					

85. Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?

No

Yes

Yes

Please specify:

Additional material stimulation at the end of the budget year depending on the real participation in the jurisdiction according to the quality of the decisions.

V. C. Disciplinary procedures

86. Types of disciplinary proceedings and sanctions against judges and prosecutors:

	Judges	Prosecutors
Total number		

Reasons for disciplinary procedures	Breach of professional ethics (Yes/No) If yes, please specify the number	Yes	Yes
	Professional inadequacy (Yes/No) If yes, please specify the number	Yes	Yes
	Criminal offence (Yes/No) If yes, please specify the number	Yes	Yes
	Other (Yes/No) If yes, please specify		
Types of sanctions	Total number		
	Reprimand (Yes/No) If yes, please specify the number	Yes	Yes
	Suspension (Yes/No) If yes, please specify the number	Yes	Yes
	Dismissal (Yes/No) If yes, please specify the number	Yes	Yes
	Fine (Yes/No) If yes, please specify the number	No	No
	Other (Yes/No) If yes, please specify		

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning disciplinary procedures for judges and prosecutors**

For guilty neglecting of their official duties, as well as for systematic offending the terms provided by the procedure laws, for committing actions which unreasonably slow down the procedure and violation of the rules of the professional ethics, the judges, prosecutors and investigators shall bear disciplinary responsibility.

The disciplinary sanctions for judges, prosecutors and investigators are:

- 1. reproof;**
- 2. reprobation;**
- 3. lowering in rank or in position for a period of 6 months to three years;**
- 4. discharge.**

The disciplinary sanctions for administrative heads and their deputies are:

1. reproof;
2. reprobation;
3. remove from managerial post.

Only one disciplinary sanction may be imposed for one and the same disciplinary offence.

VI. Lawyers

87. Number of lawyers practising in your country 11 452

Source Annual report

88 . Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court? NO

Yes No

89. Do lawyers have a monopoly of representation:

	Monopoly (Yes/ <u>No</u>)	If no, possible representation by (<u>Yes/No</u>)
Civil cases*		<u>Member of family</u>
		<u>Trade Union</u>
		NGO
		Other
Criminal cases*	Defendant	<u>Member of family</u>
		Trade Union
		NGO
		Other
	Victim	<u>Member of family</u>
		Trade Union
		NGO
		Other

Administrative cases*

Member of family

Trade Union

NGO

Other

* If appropriate, please specify if it concerns first instance and appeal. **All instances**

90. Is the lawyer profession organised through?

Yes

§ a national bar?

§ a regional bar?

§ a local bar?

Please specify: 27 regional bar associations and a Supreme Bar Council

91. Is there a specific initial training or examination to enter the profession of lawyer?

Yes No

92. Is there a mandatory general system for lawyers requiring continuing professional development?

Yes No

93. Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?

No

Yes **Please specify:**

94. Can users establish easily what the lawyers' fees will be?

Yes No

95. Are lawyers fees:

Yes

§ regulated by law?

§ regulated by Bar association?

§ freely negotiated?

96. Have quality standards been formulated for lawyers?

Yes No

97. If yes, who is responsible for formulating these quality standards:

Yes

§ the bar association?

§ the legislature?

§ other? Please specify:

See the Ethical Code of Bulgarian Lawyers; Also art.40 of the Bar Act.

98. Is it possible to complain about :

§ the performance of lawyers? No

Yes Please specify:

See art.132 of the Bar Act.

§ the amount of fees? Yes No

99. Disciplinary proceedings and sanctions against lawyers:

	<u>Yes/No</u> (If yes, please specify the annual number)
Reasons for disciplinary proceedings	Breach of professional ethics
	Professional inadequacy
	Criminal offence
	Other
Type of sanctions	<u>Reprimand</u>
	<u>Suspension</u>
	Removal
	<u>Fine</u>
	Other: <u>Suspension for eligibility in the ruling bodies of the bar.</u>

100. Who is the authority responsible for the disciplinary procedures:

Yes

§ a professional body? Please specify:

Each bar association has a disciplinary court elected by the General assembly ; There is also a Supreme disciplinary court. They all consist only of lawyers.

§ the judge?

§ the Ministry of justice?

§ other? Please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned above

- the characteristics of your system concerning the organisation of the

VII. Alternative Dispute Resolution

101 appropriate, please specify, by type of cases, the organisation of the judicial mediation:

	Compulsion (Yes/No)		Body providing mediation (Yes/No)	
Civil cases	Compulsory stage prior to court proceedings	No	Private mediator	Yes
			Public or authorised by court body	By agreement between the relevant mediation centre and the court
			Court	No
	Compulsory stage in court proceedings	No	Judge	No (explicitly prohibited by the Mediation Act)
	Ordered by judge in certain cases	No	Prosecutor	No
Family cases	Compulsory stage prior to court proceedings	No	Private mediator	Yes
			Public or authorised by court body	By agreement between the relevant mediation centre and the court
			Court	No
	Compulsory stage in court proceedings	No	Judge	No (explicitly prohibited by the Mediation Act)
	Ordered by judge in certain cases	No	Prosecutor	No
Administrative cases	Compulsory stage prior to court proceedings	No	Private mediator	Yes
			Public or authorised by court body	By agreement between the relevant mediation centre and the court
			Court	No

	Compulsory stage in court proceedings	No	Judge	No (explicitly prohibited by the Mediation Act)
	Ordered by judge in certain cases	No	Prosecutor	No
Employment dismissals	Compulsory stage prior to court proceedings	No	Private mediator	Yes
			Public or authorised by court body	By agreement between the relevant mediation centre and the court
		Court	No	
	Compulsory stage in court proceedings	No	Judge	(explicitly prohibited by the Mediation Act)
	Ordered by judge in certain cases	No	Prosecutor	No
Criminal cases	Compulsory stage prior to court proceedings	No	Private mediator	Yes
			Public or authorised by court body	By agreement between the relevant mediation centre and the court
		Court	No	
	Compulsory stage in court proceedings	No	Judge	(explicitly prohibited by the Mediation Act)
	Ordered by judge in certain cases	No	Prosecutor	No

102 Can you provide information about accredited mediators?

Since the Mediation Act entered into force in December 2004 and the regulatory acts for its implementation were adopted in June 2005, the procedure of accrediting mediators is on-going. According to the Mediation Act and to the Rules Pertaining to the Unified Register of Mediators, a Unified Register of Mediators is established and maintained by the Ministry of Justice. Inclusion in the MOJ Register is a pre-condition for practicing as mediator.

103 n you provide information about the total number of mediation procedure concerning:

- civil cases?
- family cases?
- administrative cases?
- employment dismissals?
- criminal cases?

4
11
-
1
-

Source **BAIRS - Plovdiv – court-referred mediation procedures in 2004**

**104 Can you give information concerning other alternative dispute resolution (e.g. Arbitration)?
Please specify:**

Arbitration is **widely** used as an alternative dispute resolution method in commercial matters (under the International Commercial Arbitration Act), including as *ad hoc arbitration*.

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning ADR**

Bulgaria has already almost 9 year experience in the field of out of court mediation. Court-referred mediation has been practiced since 2004 in the town of **Plovdiv** (the second town in Bulgaria) and, recently (since autumn 2005), in Stara Zagora and Vratsa. Court-referred mediation is planned for 2006 to be practiced as well by newly created mediation centres in the towns of Vidin, Assenovgrad, Bourgas (within agreements with the relevant courts).

According to the general opinion, the Mediation Act and the new Civil Procedure Code (which is expected to be submitted to the Bulgarian Parliament in May 2006) are the pre-conditions for a wider and successful implementation of court-referred mediation in Bulgaria.

VIII. Enforcement of court decisions

VIII. A. Execution of decisions in civil matters

105 Are enforcement agents:

- **judges?**
- **bailiff practising as private profession ruled by public authorities?**
- **bailiff working in a public institution?**

Yes



- other enforcement agents?
- Please specify their status:

106 Number of enforcement agents 255

Source Ministry of Justice

107 Is there a specific initial training or examination to enter the profession of enforcement agent?

Yes No

108 Is the profession of enforcement agent organised by?

- a national body? Yes
- a regional body?
- a local body?

109 Can users establish easily what the fees of the enforcement agents will be?

Yes No

110 Are enforcement fees:

- regulated by law? Yes
- freely negotiated?

111 Is there a body entrusted with the supervision and the control of the enforcement agents?

No
Yes

Which authority is responsible for the supervision and the control of enforcement agents:

- a professional body? Yes
 - the judge?
 - the Ministry of justice?
 - the prosecutor?
 - other?
- Please specify:

112 Have quality standards been formulated for enforcement agents?

No
 Yes **Who is responsible for formulating these quality standards?**

Ministry of Justice

Source Ministry of Justice

113 What are the main complaints of users concerning the enforcement procedure:

	Yes	No
▪ no execution at all?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ lack of information?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ excessive length?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ unlawful practices?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ insufficient supervision?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ excessive cost?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ other?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source Ministry of Justice

114 Does your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions?

No
 Yes **Please specify:**

Elaboration of the Law if private bailiffs in force since 1 Sept 2005 and Ordinances for its execution

115 Is there a system measuring the timeframes of the enforcement of decisions :

	Yes	No
▪ for civil cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ for administrative cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

116 As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court seats:

	Yes
▪ between 1 and 5 days	<input type="checkbox"/>
▪ between 6 and 10 days	<input type="checkbox"/>
▪ between 11 and 30 days	<input checked="" type="checkbox"/>
▪ more: please specify <input type="checkbox"/>	<input type="checkbox"/>

Source Ministry of Justice

117 **Disciplinary proceedings and sanctions against enforcement agents:**

	Yes /No (If yes, please specify the total number)	
Disciplinary proceedings	Breach of professional ethics	No
	Professional inadequacy	No
	Criminal offence	No
	Other	Breach of obligations
Sanctions	Reprimand	Yes
	Suspension	No
	Dismissal	Yes
	Fine	No
	Other	

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your enforcement system of decisions in civil matters**

With the entry into force of the Law on private bailiffs since 1.09.2005 private bailiffs began to execute functions

VIII. B. Enforcement of decisions in criminal matters

118 **Is there a judge who has in charge the enforcement of judgments?**

Yes **Please specify his/her functions and activities (e.g. Initiative or control functions):**

No **Please specify which authority is entrusted with the enforcement of judgements (e.g prosecutor):**

Chief directorate "Execution of penalties" at the Ministry of justice

119 **As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?**

No
Yes

Please specify:

You can indicate below:

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your enforcement system of decisions in criminal matters*

IX. Notaries

120 **Is the status of notaries:**

	Yes	Number
▪ a private one?	<input type="checkbox"/>	X <input type="checkbox"/>
▪ a status of private worker ruled by the public authorities?	<input type="checkbox"/>	<input type="checkbox"/>
▪ a public one?	<input type="checkbox"/>	<input type="checkbox"/>
▪ other?	<input type="checkbox"/>	<input type="checkbox"/>

Please specify:

Source *Ministry of Justice*

121 **Do notaries have duties:**

	Yes	No
▪ within the framework of civil procedure?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- in the field of legal advice?
- to authenticate legal deeds?
- other?

	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If yes, please specify:

122 Is there a body entrusted with the supervision and the control of the notaries?

No
Yes

<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	-------------------------------------

Which authority is responsible for the supervision and the control of the notaries:

- a professional body?
- the judge?
- the Ministry of justice?
- the prosecutor?
- other?

Yes

	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please specify:

You can indicate below:

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your system of notaries*

123 Please indicate main orientations for reform and concrete measures which could improve the quality and the efficiency of your judicial system:

