

Strasbourg, 21 January 2021

CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)

Questionnaire for the preparation of the CCJE Opinion No. 24 (2021):

**“Evolution of the Councils for the Judiciary
 and their role for independent and impartial judicial systems”**

Replies from Bulgaria

*Please in your answers do not send extracts of your legislation
 but describe the situation in brief and concise manner.*

General

- | | |
|--|-------------------|
| 1. Is there a Council for the Judiciary in your judicial system? | X yes O no |
| 2. What is the exact title/denomination of this body? - Supreme Judicial Council/ Висш съдебен съвет | |
| 3. <i>This question should be answered by members from both legal systems with and without a Council for the Judiciary: Which department or body - for example the Council for the Judiciary (often denominated as High Judicial Council (HJC)) or Ministry of Justice (MoJ) - is responsible for or is in position to perform the following tasks? More than one institution might be involved, so more than one box can be ticked.</i> | |

Defending and fostering the independence of judges and the judiciary/the rule of law	X HJC O MoJ X Court Presidents O bodies within individual courts O Judicial Administration Board X Association of Judges O other, please specify
Defending judges/the judiciary against public attacks	X HJC O MoJ

	<input checked="" type="checkbox"/> Court Presidents <input type="checkbox"/> bodies within individual courts <input type="checkbox"/> Judicial Administration Board <input checked="" type="checkbox"/> Association of Judges <input type="checkbox"/> other, please specify
Administration of the judiciary	<input checked="" type="checkbox"/> HJC <input checked="" type="checkbox"/> MoJ <input checked="" type="checkbox"/> Court Presidents <input type="checkbox"/> bodies within individual courts <input type="checkbox"/> Judicial Administration Board <input checked="" type="checkbox"/> Association of Judges <input type="checkbox"/> other, please specify
Selection of new judges	<input checked="" type="checkbox"/> HJC <input type="checkbox"/> MoJ <input type="checkbox"/> Parliament <input type="checkbox"/> Court Presidents <input type="checkbox"/> bodies within individual courts <input type="checkbox"/> Judicial Administration Board <input type="checkbox"/> A special Judicial Appointment Body <input type="checkbox"/> other, please specify
Selection of judges for promotion	<input checked="" type="checkbox"/> HJC <input type="checkbox"/> MoJ <input type="checkbox"/> Parliament <input type="checkbox"/> Court Presidents <input type="checkbox"/> bodies within individual courts <input type="checkbox"/> Judicial Administration Board <input type="checkbox"/> A special Judicial Appointment Body <input type="checkbox"/> other, please specify
Evaluation of judges	<input checked="" type="checkbox"/> HJC <input type="checkbox"/> MoJ <input type="checkbox"/> Parliament <input type="checkbox"/> Court Presidents <input type="checkbox"/> bodies within individual courts <input type="checkbox"/> Judicial Administration Board <input type="checkbox"/> Association of Judges <input type="checkbox"/> other, please specify
Evaluation of court performance	<input checked="" type="checkbox"/> HJC <input type="checkbox"/> MoJ <input type="checkbox"/> Parliament <input type="checkbox"/> Court Presidents <input type="checkbox"/> bodies within individual courts <input type="checkbox"/> Judicial Administration Board <input type="checkbox"/> Association of Judges <input type="checkbox"/> other, please specify
Conducting disciplinary procedures	<input checked="" type="checkbox"/> HJC <input type="checkbox"/> MoJ <input type="checkbox"/> Parliament <input type="checkbox"/> Court Presidents <input type="checkbox"/> bodies within individual courts

	<input type="radio"/> Judicial Administration Board <input type="radio"/> Association of Judges <input type="radio"/> other, please specify
Drafting and enforcing a code of ethics	<input checked="" type="radio"/> HJC <input type="radio"/> MoJ <input type="radio"/> Parliament <input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> Association of Judges <input type="radio"/> other, please specify
Public relations/media coverage for the judiciary, or individual courts	<input checked="" type="radio"/> HJC <input type="radio"/> MoJ <input type="radio"/> Parliament <input checked="" type="radio"/> Court Presidents <input checked="" type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input checked="" type="radio"/> Association of Judges <input type="radio"/> other, please specify
Providing input on legislative projects	<input checked="" type="radio"/> HJC <input checked="" type="radio"/> MoJ <input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input checked="" type="radio"/> Association of Judges <input type="radio"/> other, please specify
Training of judges	<input checked="" type="radio"/> HJC <input checked="" type="radio"/> MoJ <input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input checked="" type="radio"/> Association of Judges <input checked="" type="radio"/> other, please specify - National Institute of Justice
IT, including digitalisation of the judiciary and online hearings	<input checked="" type="radio"/> HJC <input type="radio"/> MoJ <input type="radio"/> Parliament <input checked="" type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> other, please specify
The allocation of financial resources to the judiciary including individual courts	<input checked="" type="radio"/> HJC <input type="radio"/> MoJ <input type="radio"/> Parliament <input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> other, please specify

Salaries of judges	<input checked="" type="checkbox"/> HJC <input checked="" type="checkbox"/> MoJ <input checked="" type="checkbox"/> Parliament <input type="checkbox"/> Court Presidents <input type="checkbox"/> Bodies within individual courts <input type="checkbox"/> Judicial Administration Board <input type="checkbox"/> other, please specify
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- *If there is a Council for the Judiciary in your country, has it other duties not mentioned here? Is it in a position to appoint or remove presidents of courts to and from the office? Is there additional information that would be useful to understand the role of the Council for the Judiciary within your country?*

All Presidents of courts - except Presidents of Supreme Court of Cassation and Supreme Administrative Court - shall be elected by the Supreme Judicial Council. It is also in charge of their removal following special procedure (including disciplinary proceedings).

The President of the Supreme Court of Cassation and the President of the Supreme Administrative Court shall be appointed and removed by the President of the Republic on a motion by the Supreme Judicial Council for a single term of seven years; the President may not refuse to decree any such appointment or dismissal upon a second motion.

The SJC is divided into two colleges – Judges’ College and Prosecutors’ College – see answer N.5 and N.24

- *If there is no Council for the Judiciary in your country, are there other important institutions, and formal or informal rules which are necessary to understand how the judiciary functions in your country?*

Not applicable

Legal basis

4. Please explain which legal sources regulate the following aspects of the Council for the Judiciary in your legal system

Existence of a Council for the Judiciary	<input checked="" type="checkbox"/> Constitution <input checked="" type="checkbox"/> Law <input type="checkbox"/> other, please specify
Composition	<input checked="" type="checkbox"/> Constitution <input checked="" type="checkbox"/> Law <input type="checkbox"/> other, please specify
Selection of members including tenure and removal during tenure	<input checked="" type="checkbox"/> Constitution <input checked="" type="checkbox"/> Law <input type="checkbox"/> other, please specify
Tasks	<input checked="" type="checkbox"/> Constitution <input checked="" type="checkbox"/> Law <input type="checkbox"/> other, please specify
Resources, funding, administration	<input checked="" type="checkbox"/> Constitution <input checked="" type="checkbox"/> Law <input type="checkbox"/> other, please specify - Rules on the Organization of the Activities of the Supreme Judicial Council and its Administration

Independence	<input checked="" type="checkbox"/> Constitution <input checked="" type="checkbox"/> Law <input type="checkbox"/> other, please specify
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- *Are there other formal or informal rules which are necessary to understand the role and functioning of the Council for the Judiciary in your country? - no*

Composition and Membership

5. The composition of the Council for the Judiciary:

- How many members are there? – 25

The Supreme Judicial Council shall consist of 25 members. It carries out its duties through Plenary, Judges' College and Prosecutors' College. Plenary consists of all SJC members and adopts the draft budget of the judiciary, organizes qualification of judges, prosecutors and investigating magistrates, solves common problems of the judiciary and governs its real estates, proposes the President of the Supreme Court of Cassation, the President of the Supreme Administrative Court and the Prosecutor General for appointment and relief from office by the President of the Republic of Bulgaria, etc. Judges' College consists of 14 members-President of the Supreme Court of Cassation, President of the Supreme Administrative Court, 6 members, directly elected by judges, 6 members, elected by Parliament. Prosecutors' College consists of 11 members - Prosecutor General, 4 members directly elected by prosecutors, 1 member, directly elected by investigating magistrates, 5 members, elected by Parliament.

- Are there ex-officio members? – Yes, 3 - the President of the Supreme Court of Cassation, the President of the Supreme Administrative Court and the Prosecutor General shall be ex officio members of the Council
- How many members must be judges? Do they need specific qualifications or experiences, must they come from different court systems or instances? – 6 members must be judges - elected within their peers; however the actual number of the judges in the Judges' College is greater as some of the elected by Parliament members are judges – as well as the President of the Supreme Court of Cassation and the Supreme Administrative Court. No special requirement about coming from different systems or instances - all members of the Council shall only be "lawyers of high professional and moral integrity who have practised law for at least 15 years"
 - Can/must non-judges be members of the Council? Please specify (number, qualification/specific functions) – yes (see above)

6. Please describe the procedure of appointment:

- Who nominates the members? (judges or other institutions or authorities – please specify)

The Council shall consist of 25 members - 3 ex officio (President of the Supreme Court of Cassation, President of the Supreme Administrative Court and Prosecutor General) and 22 "lawyers of high professional and moral integrity who have practised law for at least 15 years"- who shall be elected as follows: 11 by Parliament (6 for Judges' and 5 for Prosecutors' college) and 11 by the judicial authorities-6 by judges, 4 by prosecutors and 1 by investigating magistrates). The members are nominated by the Parliament and the judges, the prosecutors and the investigating magistrates respectively.

- Please describe the appointment system

Members, elected by Parliament

The National Assembly shall elect members of the Supreme Judicial Council not later than one month prior to the expiry of the term of office of the elective members. Nominations of candidates for elective members of the Supreme Judicial Council shall be examined by the specialised standing committee of the National Assembly.

Candidates shall be nominated by the National Representatives to the committee not later than two months prior to the conduct of the election. Any such nominations shall be accompanied by detailed reasons in writing on the professional standing and moral integrity of the candidates, including opinions expressed by professional, academic and other organisations, and documentary proof of graduation in Law from a higher educational establishment, documents related to the incompatibility requirements, as well as documents on the length of practising law and the career development of the candidate.

The nominations together with detailed curriculum vitae of the candidates and the abovementioned documents shall be published on the website of the National Assembly within three working days from the date of receipt.

Within 14 days from the publication of the nominations, each candidate shall submit to the committee preparing the election a written concept on his or her work as member of the Supreme Judicial Council and declarations concerning the origin of their property which shall be published. Not later than seven days prior to the hearing, non-profit legal entities registered for the pursuit of public benefit activities, higher educational establishments and scientific organisations may submit opinions about a candidate to the commission, including questions to be put to the said candidate (anonymous opinions and alerts shall be ignored); the opinions and questions as submitted shall be published on the website of the National Assembly within three days from the submission thereof.

The committee shall hear each candidate who shall present thereto their concepts. The hearing shall be scheduled and announced by the committee not later than one month prior to the scheduled hearing date. The hearing shall be conducted at a public meeting of the committee not later than 14 days before the conduct of the election. A full verbatim record of proceedings shall be drawn up for the hearing and shall be published on the website of the National Assembly.

The committee shall prepare a detailed and reasoned report on the professional standing and moral integrity of the candidates, thereby moving the nominations for a debate and taking a vote at the National Assembly. The said report shall include an opinion on the performance of the candidate, prepared after his or her hearing by the committee, and a conclusion on the minimum legal requirements to occupy the position; the existence of data that call into question the candidate's moral integrity, qualification, experience and professional standing; the specific background, qualities and motivation for the post concerned; the public reputation of the candidate and the public support for him or her. The report shall be published on the website of the National Assembly.

The National Assembly shall elect each member of the Supreme Judicial Council separately, by a majority of two-thirds of the National Representatives.

Members elected by the judicial authorities

The judicial authorities shall elect members of the Supreme Judicial Council by colleges not later than one month before the expiry of the term of office of the elective members. The members of Supreme Judicial Council of the Judiciary quota shall be elected directly by secret ballot by the judges, by the prosecutors and by the investigating magistrates, respectively.

The general assembly of judges for the election of members of the Supreme Judicial Council shall be convened jointly by the Chairperson of the Supreme Court of Cassation and by the Chairperson of the Supreme Administrative Court. The general assembly of prosecutors

for the election of members of the Supreme Judicial Council shall be convened by the Prosecutor General. The general assembly of investigating magistrates for the election of members of the Supreme Judicial Council shall be convened by the Prosecutor General. The invitation convening the general assemblies shall state the date, venue and time of conduct of the said assemblies.

Candidates for elective members of the Supreme Judicial Council representing the judges, prosecutors and investigating magistrates may be nominated, respectively, by each judge, prosecutor or investigating magistrate not later than two months before the conduct of the election. The nominations shall be put forward in writing and shall be reasoned considering the personal accomplishments, professional standing and moral integrity of the candidate. These documents shall be made public on the website of the Supreme Judicial Council. Within 14 days from the publication of the nominations, the candidates shall submit in writing detailed curriculum vitae, their reasons and a concept on the activity of the Supreme Judicial Council, documentary proof of conformity to the requirements of the law, certain declarations (related to incompatibility, origin of property). For each nomination received, the respective chamber of the Supreme Judicial Council shall require detailed information on all inspections from the Inspectorate with the Supreme Judicial Council-which shall be published on the SJC website.

The Judges' College of the Supreme Judicial Council shall pronounce on the admissibility of each nomination with regard to the required educational attainment, length of practising law and submission of the envisaged documents regarding the judges candidates for members of the Supreme Judicial Council, and the Prosecutors' College shall so pronounce regarding the prosecutors and investigating magistrates candidates; the decisions shall be made public immediately on the website of the Supreme Judicial Council. The decisions on the admissibility of nominations shall be appealable within three days from their publication through the respective college of the Supreme Judicial Council before a panel consisting of three judges of the Supreme Court of Cassation and two judges of the Supreme Administrative Court, designated on the basis of the random selection principle through electronic assignment (the judgment shall be rendered within seven days from the lodgement of the appeal and shall be final).

Within three days from the entry into effect of the decisions on admissibility, the colleges of the Supreme Judicial Council shall compile lists stating the names and position occupied of all candidates admitted to entry in the elections for members of the Supreme Judicial Council.

The General assembly shall meet on two consecutive Saturdays. On the first Saturday, the General assembly shall elect an election commission and voting sections and shall hear the candidates. The assemblies shall be public and shall be streamed live on the website of the Supreme Judicial Council.

The candidates shall be heard in alphabetical order. Judges, prosecutors, investigating magistrates, non-profit legal entities designated for the pursuit of public benefit activities may address opinions on the candidates and questions to them to the respective college of the Supreme Judicial Council not later than 14 days before the date of conduct of the General assembly, they shall be published on the website of the Supreme Judicial Council. The members of the general assembly and of the commission may address questions to the candidates, including on the basis of the opinions already mentioned and the commission shall be bound to ask all questions received. After the hearing of the candidates, the election shall proceed on the following Saturday. In case all members of the Supreme Judicial Council who are rendered up by the respective General assembly are elected on the day of conduct of the voting, the assembly shall be closed (voting shall be secret). The candidates who have gained more than one-half of the valid votes shall be considered elected. If the candidates satisfying this condition outnumber the candidates due to be elected at the respective General assembly, those from among them who have gained the most votes shall be considered elected. Where the requisite number of members has not been elected, the election shall proceed on the following day, when the voting shall be repeated. If the requisite number of members is not elected in the repeated voting by the requisite majority, those of them who have gained the most votes shall be considered elected.

- If members are elected by Parliament, are these members elected with a simple or qualified majority? - qualified - two-thirds of the National Representatives

7.How is integrity and independence of members ensured in the selection process and during their time on the Council?

Through the set in law incompatibility requirements and grounds for termination of term of office (an elective member of the Supreme Judicial Council may not: 1. be a National Representative, a mayor or municipal councillor; 2.hold a position at other State or municipal authorities; 3. carry on business or be a partner, manager or member of supervisory, management boards or boards of directors or on control bodies of commercial corporations, cooperatives or non-profit legal entities that carry on business, with the exception of those of professional associations of judges, prosecutors and investigating magistrates; 4. be remunerated for business performed under a contract or while in a civil service relationship with a state or public organisation, a commercial company, cooperative, non-profit legal entity, a natural person or sole trader, with the exception of research and teaching or the exercise of copyright, as well as for participation in international projects, including ones funded by the European Union; 5. practise a liberal profession or another remunerative professional activity; 6. be a member of political parties or coalitions, of organisations pursuing political purposes, carry out political activity, as well as be a member of any organisations or carry out any activities interfering with his or her independence; 7. be a member of trade union organisations outside the Judiciary system; 8. has been convicted for a serious criminal offence, notwithstanding any subsequent rehabilitation, or has been released from criminal responsibility for an intentional offence; 9. be a spouse, a lineal relative, a collateral relative up to the fourth degree of consanguinity, or an affine up to the third degree of affinity inclusive, or a de facto cohabitant with another member of the Supreme Judicial Council, with an administrative head of a judicial authority, or with the Minister of Justice; 10. be an elective member of the Supreme Judicial Council who has been released from office on disciplinary grounds; 11. be a person in respect of whom a conflict of interest has been ascertained by an enforceable decision less than one year prior to the election; as regards the grounds for termination of term of office – see answer 10).

8.How is the President and/or Vice-President of the Council selected and appointed?

According to Art 130b of Bulgarian Constitution SJC Plenary meetings are presided by the Ministry of Justice in a non-voting capacity, Judges' College meetings – by the President of the Supreme Court of Cassation, Prosecutors' College meetings – by the Chief Public Prosecutor. The Minister of Justice may attend the meetings in non-voting capacity.

9.What is the term of office for a member of the Council? – 5 years

10.May a member be removed from office against his/her will and, if so, under what circumstances? – Yes – in case of conviction for crime following judicial proceedings; permanent factual impossibility to perform his/her obligations for more than one year; disciplinary dismissal or deprivation of the right to exercise a legal profession or activity; in case of incompatibility with the posts or activities for SJC members

Resources and management

11. Which body provides funding for the Council for the Judiciary?	<input type="radio"/> MoJ <input checked="" type="radio"/> Parliament <input type="radio"/> other, if so specify
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12. Is the administration of the Council for the Judiciary independent from other branches of government?	X yes O no
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Relations within the Council for the Judiciary and within the judiciary

13. Have there been any severe internal conflicts within the Council for the Judiciary that have seriously affected its functioning? If yes, what was the character of these conflicts and have they been solved?

No severe internal conflicts affecting the SJC functioning. There are principal differences and conflicts respectively on certain issues between the Judicial College members but this does not prevent the Council from fulfilling its obligations and making decisions within its competence. The different positions and opinions are not secret for the public, as the meetings are public, broadcasted online and covered in the media.

However during the mandate of one of the previous Councils two members from the judges quota prematurely left the Council – because of disagreement with the decisions taken by the Council – publicly announcing their motives.

14. Have there been conflicts between the Council for the Judiciary and the judiciary? Have judges felt that the Council for the Judiciary did not represent their interests? If yes, why and has the conflict been solved?

Some of the members of the judicial quota are directly elected by the judges and are practically from all levels of the judiciary. The answer to the question about the attitude of all judges in general can be given after a large-scale survey, which could not be done for the purposes of the questionnaire. My opinion is that there are no serious conflicts. Depending on the nature of the decisions, there are judges who are satisfied and such who are not (for example in attestation, promotion, administrative heads election) and this affects their approval or disapproval to the Council respectively.

Relations with other branches of government, governmental bodies, civil society and media

15. Have there been conflicts between the Council for the Judiciary and the executive or legislative? If yes, what was the character of these conflicts and have they been solved?

The judiciary shall have an independent budget. The draft budget of the judiciary is adopted by the SJC, However, the budget of the judiciary shall be adopted by Parliament. Although the Supreme Judicial Council has always proposed draft budget, the Parliament usually adopts the Ministry of Finance draft budget – which provides less finance. Until a few years ago the lack of sufficient resources prevented the due update of judges' remunerations (for several years). There was a clear mechanism prescribed by law stating how judges' salaries should be formed (on the basis of average salary of budget sphere servants). In fact SJC's decisions for periodic update could not be enforced in due time because of lack of enough resources allocated from state budget (unlike in other budget spheres). The CCJE was addressed with this problem by Bulgarian SJC in 2016. This problem is currently resolved and the salaries are regularly risen.

16. What legal and political means may the Council of Judiciary in your judicial system employ if it feels that its constitutional role has been infringed?

The statute of the Supreme Judicial Council is set in the Constitution – including competence and grounds for termination of the mandate of its members - and that is a guarantee itself. In case it is necessary to refer to the Constitutional Court, the Council could address the Supreme Court of Cassation or the Supreme Administrative Court, which have the right to refer an issue directly to the Constitutional Court. Besides the SJC can make public statements and turn to the media.

17. How does the Council for the Judiciary in your judicial system interact with anti-corruption bodies?

They are independent bodies with different competence withing different branches of the State powers. However there is a special body to the Council - The Inspectorate to the Supreme Judicial Council, which inspects the activities of the country's judicial bodies and has competence, inter alia, to carry out integrity testing and examinations for conflict of interest of judges, prosecutors and investigating magistrates, verifications of the financial interests disclosure declarations, as well as checks for identifying actions damaging the prestige of the Judiciary and such related to impairment of the independence of judges, prosecutors and investigating magistrates, makes proposals for the imposition of disciplinary sanctions on judges, prosecutors and investigating magistrates and on the administrative heads of judicial authorities, addresses alerts, proposals and reports to other state bodies, including the competent judicial authorities

18. How does the Council for the Judiciary in your judicial system interact with NGOs?

The NGOs could take part in SJC members and the Presidents of Supreme Courts election procedures through lodging questions and opinions on the candidates.

In 2012 Civil Council to the Supreme Judicial Council was constituted. The members of the council are civil associations (19 as of 2019) dealing with judicial system matters – including judges associations. The aim of the council is, through participation of civil and professional organisations, to improve the judicial system, to ensure objective civil monitoring over its functioning and the application of law, thus guaranteeing the rule of law. This is the most long lasting (without interruption) public structure (council) in the judicial system field in the form of civil participation in the process of forming and control over the execution of judicial system policy. At present - following 2017 amendment of Judiciary system (Article 217) - there is another body - Partnership Council to the Supreme Judicial Council (see answer N.19) .

19. How does the Council for the Judiciary in your judicial system interact with associations of judges?

Following 2017 amendment of Judiciary system (Article 217) Partnership Council to the Supreme Judicial Council has been established. It consists of three elective members of the Supreme Judicial Council, designated by the Plenary, of representatives of each of the organisations which protect the professional interests of judges, prosecutors and investigating magistrates whereof the membership is not less than 5 per cent of the respective number of judges, prosecutors and investigating magistrates, as well as of representatives of the judges, prosecutors and investigating magistrates who are not members of any such organisations. The Council implements dialogue on all matters related to the professional interests of judges, prosecutors and investigating magistrates.

20. How does the Council for the Judiciary in your judicial system interact with media?

The SJC meetings are public and broadcasted on-line. The members of the Council are public figures and are often interviewed by journalists (including directly after the

meetings) and invited as interlocutors in various media. The Council has also its public relations sector

21. What, if any, is the role of the Council for the Judiciary in the vetting of judges?
The only competence regarding judges' performance is the attestation procedure.

Challenges, developments

22. Does the Council for the Judiciary in your judiciary face particular challenges? If so, what is the character of these challenges? These challenges might have arisen – among other reasons - because of political and economic developments, societal changes, corruption, the Covid-19 pandemic or technological challenges such as the digitalisation of the judiciary.

One of the main challenges at present is the redrawing of the court map in order to optimize the workload of the various courts. Another one is the introduction of a new unified system for electronic case management.

23. Has the role of the Council for the Judiciary in your judicial system changed in recent years? If so, how?

No

24. Have there been reforms concerning the Council for the Judiciary in your judicial system recently? If so, what were the objectives of these reforms and have they been successful?

In 2015-2016 amendments of Constitution and Judicial System Act were adopted concerning the organization of the judiciary and the law enforcement community. The amendments were adopted following a large discussion on Judicial System Reform Strategy (aiming to strengthening the judiciary, its proper functioning and independence and a right to court of full value) and in the light of the recommendations of the European Commission for Democracy through Law (the Venice Commission) and of the Consultative Council of European Judges (CCJE) (reference to Venice Commission and CCJE recommendations is made in the motives to the Judicial System Act Amendment Law).

The law changes the composition and authority of the Supreme Judicial Council /SJC/. Following the amendments the SJC /a one-chamber institution before/ is now split into two separate colleges: Judges' and Prosecutors'. This model prevents the participation of members who represent prosecutors and investigation magistrates in deciding personnel and disciplinary matters concerning judges - and vice versa. The plenary decides common issues and the colleges concentrate upon the different magistrates' groups issues. The colleges, in accordance with their professional competence, deal separately with all matters concerning judges on the one hand, and prosecutors and investigation magistrates – on the other hand (election, promotion, demotion, transfer and removal from office, periodic evaluation, disciplinary proceedings, appointment of administrative heads, etc.). The plenary meetings are presided by the Minister of Justice in a non-voting capacity, the Judges' college meetings - by the President of the Supreme Court of Cassation, the Prosecutors' college meetings – by the Prosecutor General. The amended law also provides qualified majority and open vote with no possibility to abstain for taking personnel decisions, engaging acting magistrates in the evaluation of magistrates, increased powers of the Council's Inspectorate (which inspects the activities of the country's judicial bodies), direct election (replacing the delegates' assemblies' election) of the SJC members elected by judges (each judge may propose a candidate,

the candidates are heard during general assemblies - directly broadcasted on the SJC internet site; each judge may vote by secret ballot (paper or electronic)). In June 2017 the first direct elections took place.

25. *In case your judicial system does not have one, is there a discussion to introduce a Council for the Judiciary? If so, what are the arguments made in favour and against the introduction of a Council for the Judiciary. Do you think that there are challenges in your judicial system a Council for the Judiciary might help to solve? Is it likely that such a Council will be introduced?*

Not applicable