



COUNCIL OF EUROPE    CONSEIL DE L'EUROPE

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

**PILOT-SCHEME**  
**FOR**  
**EVALUATING JUDICIAL SYSTEMS**



# SCHEME FOR EVALUATING JUDICIAL SYSTEMS

**Country:**  
**Bulgaria**

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## I. General information

### 1. Number of inhabitants

Number: 7. 845. 841  
.....  
Source: .....National Statistical Institute.....  
Year of reference:  
2002.....

### 2. Total annual State/regional public budget

Budget: .....6 981 918,7 thousand leva -income.....  
7 528 130,9 thousand leva - expenditure  
546 212,2 thousand leva - financial deficit  
Source: ..... National Statistical Institute .....  
Year of reference:  
2002.....

### 3. Average gross annual salary

Salary: .....3. 091 leva.....  
.....2002...  
Source : ..... National Statistical Institute .....

## II. Access to Justice and to all courts

### II. A. Legal aid/cost of justice

#### 4. Annual public budget spent on legal aid

Annual budget: .....2.208, 691 thousand leva..... Year : .....2002.....  
Source : .....Supreme Judicial Council.....

This data is for official defences

#### 5. If possible, specify

- the annual public budget spent on legal aid in criminal cases

Annual budget: ..... Year : .....  
Source : .....

- annual public budget spent on legal aid in other court cases

Annual budget: ..... Year : .....  
Source : .....

#### 6. Total number of legal aid cases (in a year)

Number of cases: .....33189..... Year : .....2002.....  
Source : ..... Supreme Judicial Council .....

This data is for official defences

#### 7. If possible, specify:

- the total number of legal aid cases in criminal matters (in a year)

Number of cases: .....28 403..... Year : .....2002.....  
Source : ..... Supreme Judicial Council .....

- the total number of legal aid cases in other court cases (in a year)

Number of cases: .....4 506..... Year : .....2002.....  
Source : ..... Supreme Judicial Council .....

This data is for official defences

8. Does your country have an income and asset test for granting legal aid?

Yes / No: N

9. If yes, what is the maximum income level for granting legal aid?

Income level: ..... Year : .....

10. Is it possible to refuse legal aid for lack of the merit of the case?  
(eg. for frivolous or vexatious actions, or cases without merit)

Yes / No: N  
.....

If yes, is the decision taken by :  
(please indicate the right answer)

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

What factors are taken into account ?

Factors:  
.....

11. In general do litigants have to pay a court tax or fee to start a proceeding at a general jurisdiction court?

Yes / No / Otherwise: Y

...According to the Civil Procedure Code court taxes are paid for all lawsuits in the cases and amounts stipulated in the Stamp Duty Act and the tariffs thereto. There are exceptions to this rule provided in art. 63 of the Civil Procedure Code whereby fees or expenses are not due but just the amounts foreseen in the budget.

If yes, is this true for :  
- criminal cases? Yes / No  
- other than criminal cases? Yes / No

12. Does your country have a private system of legal expenses insurance for individuals?

Yes / No / Otherwise:  
..... N .....

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

Yes / No / Otherwise: Y



<http://www.justice.government.bg/registers.aspx>  
<http://www.justice.government.bg/Direkcii/apps.aspx?id=central>

16. Is there a public and free-of-charge specific information system to inform and to help victims of crimes? Yes / No **N**

Comments:

17. Is there a public, free of charge and personalised specific information system, managed by the police or the justice system, on the follow up given to complaints by victims of crime? Yes / No **N**

Comments:

At the moment a Uniform Information System is in the process of realization and is a priority for the Government

18. Does your country have a public compensation fund to compensate financially victims of crimes? Yes / No **N**

Comments:

19. Does your country have users' or legal professionals' (judges, lawyers, officials, etc.) surveys to measure public trust and satisfaction with the services delivered by the judiciary? Yes / No **Y**

If yes, are these surveys

- at national level Yes / No **Y** On the internet page of the Ministry of justice there is an on-line inquiry on the degree of confidence to the judicial system.

- at court level Yes / No **Y** With the decision of the Supreme Judicial Council at the level of the district prosecutor's office and the district investigation services an inquiry for the citizens has been introduced, related with the degree of confidence to the judicial system and of the satisfaction from the services as well as for giving concrete signals for corruption acts in the judicial system.

20. Is there a national or local procedure for making complaints about the performance of the judiciary (eg. through an ombudsman)? Yes / No **Y**

Please specify:

- at court level/internal procedure Yes / No
- at court level/external procedure Yes / No
- at national level/internal procedure Yes / No
- at national level/external procedure Yes / No

Comments:

Every citizen who is not satisfied with the quality of the services given by the judicial system can file a complaint to the corresponding chairman of the judicial body as well as to the Supreme Judicial Council. At the same time at the Ministry of Justice is established an Inspectorate under the Law of the Judiciary which is a body that examines the organization and the administrative activity of the judicial bodies and the organization for the initiation and the administration of court, prosecutors and investigation cases.

21. As a general rule, do the institutions which receive such complaints have an obligation to respond and/or to deal with the complaint within a certain time limit?

- time limit to respond: Yes / No Y
- time limit for dealing with the complaint: Yes / No Y

According to the Law on proposals, notes, complaints and applications, the suitor should receive a response for the results of the examination made with his complaint within one month.

**III. Functioning of courts and efficiency of justice**

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**III. A. Functioning**

22. Total number of courts

Number of courts:  
 .....151.....

23. Number of general jurisdiction first instance courts

Number of courts:  
 .....151.....

24. Number of specialised first instance courts  
*Please specify the different areas of specialisation*

(area of specialisation)	(number of courts)
..... military courts .....	...5.....
.....Supreme Administrative Court.....	.....1....
.....	.....







Source : .....37 846..... 2002.....  
... annual report of the Prosecutor's office of the Republic of Bulgaria

Please indicate also, out of this total, those dropped as the offender has not been identified

Number of cases: .....97 687...suspended..... Year : .....2002.....

Source: ... annual report of the Prosecutor's office of the Republic of Bulgaria

According to art. 239 of the Penal Procedure code, the Prosecutor' office suspends the penal proceedings /does not drop it / as the case is sent to the investigation body for the tracing of the perpetrator

36. Total number of criminal cases which are concluded by a sanction/measure, imposed or negotiated by the public prosecutor (in a year)

Number of cases: .....34 241 from which ..... Year : .....2002.....  
verdicts 19 1001; agreements approved by the court 9 083; administrative sanctions 6 057

Source :  
annual report of the Prosecutor's office of the Republic of Bulgaria

37. Total number of criminal cases charged by the public prosecutor before the courts (in a year)

Number of cases: 32 787 Year : .....2002.....

Source : .....Ministry of Justice.....

38. Total number of incoming criminal cases in the courts involving robbery cases (in a year)

Number of cases: .....19 906..... Year : .....2002.....

Source : ..... Ministry of Justice .....

39. Total number of judicial decisions, involving robbery (in a year)

Number of cases: ..... 1 476..... Year : .....2002.....

Source : ..... Ministry of Justice .....

*Please indicate, if possible:*

Number of convicted persons: .....1 690..... % of convicted persons: .....92,04%...

Number of acquitted persons: ..... 139.....      % of acquitted persons: .....7,6%.....

**40. Percentage of decisions involving robbery subject to an appeal to a higher court (in a year)**

Percentage of decisions: .....27,1%.....      Year : .....2002.....  
Source : ..... Ministry of Justice .....

**41. Total number of incoming criminal cases in the courts, involving intentional homicide (in a year)**

Number of cases: .....202.....      Year : .....2002.....  
Source : ..... Ministry of Justice .....

**42. Total number of judicial decisions, involving intentional homicide (in a year)**

Number of decisions: .....172.....      Year : .....2002.....  
Source : ..... Ministry of Justice .....

*Please indicate also if possible:*

Number of convicted persons: .....195.....      % of convicted persons: 92%.....  
Number of acquitted persons: .....16.....      % of acquitted persons: ...8%.....

**43. Percentage of decisions concerning intentional homicide subject to an appeal to a higher court (in a year)**

Percentage of decisions: .....81,04%...      Year : .....2002.....  
Source : ..... Ministry of Justice .....

**44. Total number of incoming civil and administrative cases in the courts (in a year)**

Number of cases: .....167 571.....      Year : .....2002.....  
Source : ..... Ministry of Justice .....

**45. Total number of judicial decisions in civil and administrative matters (in a year)**

Number of decisions: .....177 713..... Year : ...2002.....  
Source : ..... Ministry of Justice .....

**46. Percentage of decisions concerning civil and administrative matters subject to an appeal to a higher court (in a year)**

Percentage of decisions: .....19,04%..... Year : ...2002.....  
Source : ..... Ministry of Justice .....

**47. Total number of incoming divorce cases in the courts (in a year)**

Number of cases: .....14 982..... Year : ...2002.....  
Source : ..... Ministry of Justice .....

**48. Total number of judicial decisions in divorce cases (in a year)**

Number of decisions: .....15 247..... Year : ...2002.....  
Source : ..... Ministry of Justice .....

**49. Percentage of decisions concerning divorce cases subject to an appeal to a higher court (in a year)**

Percentage of decisions: .....6,33%..... Year : .....2002..  
Source : ..... Ministry of Justice .....

**50. Total number of incoming employment dismissal cases in the courts (in a year)**

Number of cases: .....4185..... Year : ...2002.....  
Source : ..... Ministry of Justice .....

**51. Total number of judicial decisions of employment dismissal cases (in a year)**

Number of decisions: .....4855..... Year : ...2002.....  
Source : ..... Ministry of Justice .....

52. Percentage of decisions concerning employment dismissal cases subject to an appeal to a higher court (in a year)

Percentage of decisions: ...46,90%..... Year : ...2002.....  
Source : ..... Ministry of Justice .....

**IV. Use of Information Technology in the court**

53. Annual IT budget allocated to the courts (if possible in Euros)

Annual budget: 540,4 thousand leva Year: 2002  
Source : The report of fulfilment of the budget of the Judiciary as to 31.12.2002.....

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

- for judges Yes / No **Y**
- for non-judges court staff Yes / No **Y**

55. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary? Yes / No **Y**

If yes, please specify the name and the address of this institution

(Name) ...Ministry of Justice..... (Address) ...Sofia,  
1 "Slavianska"...str., department "Judicial statistics" .....

56. What kind of facilities can be used by the clients of the courts to communicate with the courts ?

- Telephone Yes / No **Y**
- Mail Yes / No **Y**
- Fax Yes / No **Y**
- E-mail Yes / No **Y**
- Internet Yes / No **Y** Supreme Administrative Court

57. Is there an electronic form to carry out certain procedural steps? Yes / No **Y**

**V. Fair trial**



58. Percentage of adversary judgements in criminal cases in first instance

Percentage of judgements: ...100%..... Year : ...2002.....

Source : ...Penal Procedure Code.....

59. Is there a right to an interpreter for all those within your jurisdiction if the persons cannot understand or speak the language used in court? Yes / No Y

According to article 5 of the Civil Procedure Code where in the case persons who do not know Bulgarian take part, the court shall appoint a translator with whose help those persons shall perform the legal procedural actions and the actions of the court shall be explained to them.

According to article 11, par.2 of the Penal Procedure Code the persons, who do not speak Bulgarian language, may use either their native or another language. In such case, an interpreter shall be appointed.

60. Is there an effective remedy to a superior jurisdiction for all cases? Yes / No Y

61. Are reasons given for all prison sentences? Yes / No Y

62. Average length, in days, of robbery cases from the formal beginning of the prosecution until the first instance judgment

Average length: days 316..... Year : 2002.....

Source : ...average data from regional prosecutor's offices and regional courts

63. Average length, in days, of robbery cases from the formal beginning of the prosecution until the appellate judgment

Average length: days 389..... Year : ...2002.....

Source : average data from regional prosecutor's offices, regional courts and district courts

64. Average length, in days, of divorce cases from the deposit of the complaint until the first instance judgment

Average length:                    days                    Year :  
  ...188.....                    2002.....

Source :  
... average data from regional courts as first instance courts

65. Average length, in days, of divorce cases from the deposit of the complaint until the appellate judgment

Average length:                    days                    Year :  
  308.....                    ...2002.....

Source :  
  average data from regional courts and district courts

66. Average length, in days, of employment dismissal cases from the deposit of the complaint until the first instance judgment

Average length:                    days                    Year :  
  ...193.....                    ...2002.....

Source :  
  average data from regional courts as first instance courts

67. Average length, in days, of employment dismissal cases from the deposit of the complaint until the appellate judgment

Average length:                    days                    Year :  
  ...305.....                    2002.....

Source :  
  average data from the appeal instances

68. Do you, on a regular basis, measure the size of backlog cases in the courts?

Yes / No Y

In some courts (for example District court Blagoevgrad) on a regular basis is measured the size of backlog cases in the courts through the elaboration of information

In other courts (for example District court Blagoevgrad, regional court Stara Zagora) in every six months is measured and discussed the backlog of cases and the correspondent measures for the elimination of the reasons for the delay are undertaken

In other courts (for example regional court Plovdiv) there is a practice the size of the backlog cases to be reported monthly in the references for the personal activity of every magistrate and in the monthly statistical reports



In other courts does not exist a practice for measuring the size of the backlog cases with the exception of the regular examination in the term books made by the vice-chairman and the chairman of the court.

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

Yes / No Y

If yes, please specify:

... In some courts (for example District court Plovdiv) the duration of the consideration of the cases and in this way the queuing time during court procedures can be analysed on one hand by the computer system introduced and on the other hand by a system of control-monthly references given by departments and regional courts about the motion of the cases.

In other courts (for example district court Blagoevgrad) at the software there is a special agent who signals for the relevant time limits.

In other courts (for example regional court Plovdiv) for analysing the time for consideration of the cases with the purpose of establishing the queuing time during court procedures periodic analysis are carried on for analysing the reasons of the delay of the oldest pending cases.

Other courts (for example district court Stara Zagora) do not have a method for analysing the reasons for the delay of the procedure at the court.

## VI. Judges

70. Gross annual salary of a first instance professional judge at the beginning of his/her career

Annual salary :

Year :

7200 leva – regional court; 6240 leva junior judges 2002

Source :

Table N 1 for the maximum amount of the basic monthly salaries of judges, prosecutors and investigators as from 01.01.2002, approved with decision of the Supreme Judicial Council under Protocol 4/06.02.2002

71. Gross annual salary of a judge of the Supreme Court or of the highest appellate court

Annual salary :

Year :

...13980 leva..... 2002

Source :

Table N 1 for the maximum amount of the basic monthly salaries of judges, prosecutors and investigators as from 01.01.2002, approved with decision of the Supreme Judicial Council under Protocol 4/06.02.2002

72. Can judges combine their work with other professions (for example as a university professor, arbitrator, consultant)? Yes / No Y

If yes, please specify:

According to the Law of the Judiciary, the only work which the judges can combine is scientific and teacher's activity and participation in the working out of draft normative acts

73. Are judges recruited and nominated by an independent institution? Yes / No Y

(if yes), who are represented in this institution:

- the members of the judiciary Yes / No Y
- officials not part of the judiciary Yes / No
- a mixture of the two categories referred to above Yes / No

Is the process of selection and nomination of judges carried out according to pre-established procedures? Yes / No Y

The selection of the judges is carried out after a centralized competition as the presentation of the candidates is estimated by specially elected examination commissions, consisting of magistrates.

The candidates for judges who have passed the competition are appointed by the Supreme Judicial Council – supreme administrative body for administration of the Judiciary, consisting of lawyers with high professional and moral virtues who have at least fifteen years length of service of which not less than five years as a judge, prosecutor, investigator or scientist with academic rank. Eleven of the Supreme Judicial Council members are elected by the bodies of the judicial system, the National Assembly elects eleven of the Supreme Judicial Council members and the chairman of the Supreme Cassation Court, the chairman of the Supreme Administrative Court and the Chief Prosecutor are members of the Supreme Judicial Council by right.

The judges elect six of the members of Supreme Judicial Council at their delegate meetings

74. Is there a system of induction and continuation training for judges?

No / Yes, but not compulsory / Yes, compulsory Y, compulsory

With the creation of the National Institute of Justice a national system for training of magistrates has been set in Bulgaria. The National Institute for Justice has powers for sustainable and increasing professional qualification of judges, prosecutors and investigators. According to the Law on the Judiciary all junior judges and junior prosecutors pass a compulsory training course at the National Institute for Justice at their start of their professional career.

Until the creation of the National Institute for Justice its functions were performed by the nongovernmental organization Centre for training of Magistrates.

What is the average percentage of judges who have attended a continuation training session each year?

Percentage of judges: ..47%..... Year : 2002.....

Source : ..... National Institute for Justice .....

75. Is there a system of supervision and control on the courts - other than through appeal? Yes / No Y

If yes, please specify:

The Supreme Judicial Council as a supreme administrative body controls and supervises the courts in the limits of its power, which is set in art. 27 of the Law on the Judiciary.

76. Is there in your country a system of temporary judges? Yes / No N

If yes, are these temporary judges paid on the basis of their activity? Yes / No

If yes, please specify:

.....

77. Annual number of disciplinary proceedings against judges

Number of proceedings: ...4..... Year : 2002.....

Source : Supreme Judicial Council.....

78. Annual number of sanctions against judges

Number of sanctions: ...0..... Year : ...2002.....

Source : ..... Supreme Judicial Council .....

## **VII. Public prosecutors**

79. Annual budget for the public prosecution

Annual budget: .....30,0 million leva..... Year : ...2002.....

Source : ..... Law on the state budget for 2002 .....



The selection of the prosecutors is carried out after a centralized competition as the presentation of the candidates is estimated by specially elected examination commissions, consisting of magistrates.

The candidates for prosecutors who have passed the competition are appointed by the Supreme Judicial Council – supreme administrative body governing the Judiciary, consisting of lawyers with high professional and moral virtues who have at least fifteen years length of service of which not less than five years as a judge, prosecutor, investigator or scientist with academic rank. Eleven of the Supreme Judicial Council members are elected by the bodies of the judicial system, the National Assembly elects eleven of the Supreme Judicial Council members and the chairman of the Supreme Cassation Court, the chairman of the Supreme Administrative Court and the Chief Prosecutor are members of the Supreme Judicial Council by right.

The prosecutors elect at their delegate meetings six among them to be represented at the Supreme Judicial Council.

85. Is there a system of induction and continuation training for public prosecutors?

No / Yes, but not compulsory / Yes, but compulsory Y compulsory

What is the average percentage of prosecutors who have participated in continuation training each year?

Percentage of prosecutors: .....5%..... Year : 2002.....

Source :  
...National Institute for Justice.....

With the creation of the National Institute of Justice a national system for training of magistrates has been set in Bulgaria. The National Institute for Justice has powers for sustainable and increasing professional qualification of judges, prosecutors and investigators. According to the Law on the Judiciary all junior judges and junior prosecutors pass a compulsory training course at the National Institute for Justice at their start of their professional career.

Until the creation of the National Institute for Justice its functions were performed by the nongovernmental organization Centre for training of Magistrates.

86. Is there a system of supervision and control on public prosecutors? Yes / No Y

If yes, please specify:

The Supreme Judicial Council as a supreme administrative body controls and supervises the public prosecutors in the limits of its power, which is set in art. 27 of the Law on the Judiciary.

87. Annual number of disciplinary proceedings against public prosecutors

Number of proceedings: 3..... Year : ..2002.....

Source :  
... Supreme Judicial Council .....

88. Annual number of sanctions against public prosecutors

Number of sanctions: .....1..... Year : ..2002.....

Source :  
..... Supreme Judicial Council .....

**VIII. Lawyers**

89. Number of lawyers practising in your country

Number of lawyers: ...9161..... Year : ..2002.....

Source :  
.....Supreme Attorney Council

90. Is there a national bar association? Yes / No Y

91. Have quality standards been formulated for lawyers? Yes / No Y

If yes, who is responsible for formulating these quality standards?

- the bar association Yes / No Y, regulated in the Attorney Law-art.3, art.3a, art 4

- the legislature Yes / No N

- other Yes / No N

92. Can disciplinary proceedings be instituted against lawyers? Yes / No Y

93. Annual number of disciplinary proceedings against lawyers

Number of proceedings: ...97..... Year : ..2002.....

Source :  
.....Supreme Attorney Council



Source :  
..... Foundation "Partners-Bulgaria" ... ..

99. Number of incoming mediation cases (in a year)

Number of cases: Year :  
Approximately 140..... ..2002.....  
Source :  
Foundation "Partners-Bulgaria" ... ..

100. Number of cases solved through mediation (in a year)

Number of cases: Year :  
... Approximately 75.....2002.....  
Source :  
..... Foundation "Partners-Bulgaria" ... ..

If possible, please specify:

- number of criminal cases solved through mediation:  
.....0.....
- number of cases other than criminal solved through mediation:  
... Approximately 75%.....

101. In which areas of law is mediation most practised and successful in your country?

- in criminal cases? Yes / No N
- in other than criminal cases? Yes / No Y

Year : Source :  
2002..... .. Foundation "Partners-Bulgaria" ... ..

**X. Enforcement agents and execution of court decisions**

102. Number and types of enforcement agents

- in criminal cases:

(Type)	(Number)	(Year)	(Source)
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....



- in other than criminal cases:

The bailiffs carry out compulsory implementation on the writs of execution, issued on the grounds of decisions concerning trade obligations, civil obligations, property, family, inheritance and labour cases. There is no specialization for different kinds of cases

(Type)	(Number)	(Year)	(Source)
.....	.....211.....	.....2002.....	Ministry of Justice
.....	.....	.....	.....
.....	.....	.....	.....

The same officials carry out compulsory implementation on the writs of execution, issued under sentences entered into force for criminal cases which award compensation for caused by the crime property or non property damages.

103. Is there an institution to supervise or control the activities of enforcement agents?

Yes / No Y

If yes, please specify:

The bailiffs are assigned by the Minister of Justice on the proposal of the chairman of the regional court. If there are two or more candidates, the proposal is made after a competition.

The supervision and control on the activity of the bailiffs is carried out by:

- the Chairman of the corresponding court
- the Inspectorate at the Ministry of Justice who examines the institution, the motion and the decision of the execution cases, summarizes and analyses the practice on these cases.  
.....

104. Annual number of disciplinary proceedings against enforcement agents

Number of proceedings: .....4..... Year : .....2002..

Source :  
..... Ministry of Justice .....

105. Annual number of sanctioned enforcements agents

Number of agents: .....3..... Year : .....2002..

Source :  
..... Ministry of Justice .....

106. Is it possible to file a complaint against an enforcement agent? Yes / No Y

If yes, please specify:

In the order of the Civil procedure Code may be lodged a complaint to the district court against the irregular actions of the bailiff and against the refusal of the latter to perform any requested execution action.

A complaint to the Inspectorate at the Ministry of Justice can be lodged if there have been violations connected with the institution and the motion of the execution cases.

.....

107. Does the court play a role in the execution of court decisions? Yes / No Y

If yes, please specify:

.....

The district courts examine complaints as follows:

-against the irregular actions of the bailiff

-against the refusal of the latter to perform any requested execution action

108. Are the courts competent to decide against public authorities? Yes / No Y

Are the courts involved in executing decisions against public authorities? Yes / No N