



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2013

Country: Bulgaria

National correspondent

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## 1. Demographic and economic data

### 1. 1. General information

#### 1. 1. 1. Inhabitants and economic information

#### 1) Number of inhabitants (if possible on 1 January 2013)

7 284 552

#### 2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP).

	Amount
State or federal level	14 228 377 332
Regional / federal entity level (total for all regions / federal entities)	2 104 815 133

#### 3) Per capita GDP (in €)

5 436

#### 4) Average gross annual salary (in €)

4 486

#### 5) Exchange rate of national currency (non-Euro zone) to € on 1 January 2013

1.95583

#### A1. Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

Question 1. Population as of 31.12.2012. Source: National Statistical Institute

Question 3. Preliminary data for year 2012. Source: National Statistical Institute

Question 4. Preliminary data for year 2012. Source: National Statistical Institute

Data source on question 2 is the Ministry of Finance, Report on the cash execution of the Consolidated Fiscal Programme for 2012. Data includes expenditures including contribution to the EU budget. 2 104 815 133 € are for municipalities and are included in the total of annual public expenditure at state level.

For 2010 total of annual public expenditure at state level (including expenditures including contribution to the EU budget) is 13 679 819 038 €, of which 2 200 203 820 € are for municipalities.

#### 1. 1. 2. Budgetary data concerning judicial system

#### 6) Annual approved public budget allocated to the functioning of all courts, in € (if possible without the budget of the public prosecution services and without the budget of legal aid):

TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input checked="" type="checkbox"/> Yes	124 911 954
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	80 210 055
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	375 878
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.		NA
4. Annual public budget allocated to court buildings (maintenance, operating costs)		NA
5. Annual public budget allocated to investments in new (court) buildings		NAP
6. Annual public budget allocated to training		

and education  Yes 25 427  
 7. Other (please specify):  Yes 32 726 448

**7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:**

Others - compensations under the Labour Code and the Law on the Judiciary, expenses for Social household and Cultural Servicing, expenses for clothing, sickness leave paid by the employer, insurance payments and etc.

**8) Are litigants in general required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:**

- for criminal cases?  
 for other than criminal cases?

If yes, are there exceptions to the rule to pay court a tax or fee? Please provide comments on those exceptions:

Civil Procedure Code - Court fees on the cost of action and court costs are collected upon conduct of the case. Where the action is unappraisable, the amount of the court fees is determined by the court. Where the subject matter of the case is a right of ownership or other rights in rem to an immovable, the amount of the court fees is determined on one-fourth of the cost of action.

Fees and costs of the proceeding in the cases do not be deposited:

1. by the plaintiffs who are factory or office workers or cooperative members in respect of any actions arising from employment relationships;
2. by the plaintiffs: in respect of any actions for maintenance obligations;
3. on any actions brought by a prosecutor;
4. by the plaintiff: in respect of any actions for damages sustained as a result of a tort or delict, for which a sentence has entered into effect;
5. by the ad hoc representatives of the party whose address is unknown, appointed by the court.

Fees and costs of the proceeding do not be deposited by any natural persons who have been found by the court to lack sufficient means to pay the said fees and costs.

Considering the petition for waiver, the court shall take into consideration:

1. the income accruing to the person and to the family thereof;
2. the property status, as certified by a declaration;
3. the family situation;
4. the health status;
5. the employment status;
6. the age;
7. other circumstances ascertained.

Payment of court fees but not of court costs will be waived for:

1. the State and the government institutions, except in actions for private state receivables and rights to corporeal things constituting private state property;
2. the Bulgarian Red Cross;
3. the municipalities, except in actions for private municipal receivables and rights to corporeal things constituting private municipal property.

**8.1) Please briefly present the methodology of calculation of courts fees?**

The court fees are determined by Tariff N° 1 to the Law on State fees for the fees gathered by the courts, prosecutor's office, investigation services and the Ministry of justice.

**8.2) Please indicate, if possible, the amount of court fees to commence an action for 3000€ debt recovery?**

60 EUR

**9) Annual income of court taxes or fees received by the State (in €)**

61 595 758

**12) Annual approved public budget allocated to legal aid, in €. - If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. (Question modified)**

**If your system enables to be granted legal aid for cases which are non litigious or not brought to court, please specify:**

	Amount (in €)
Total annual approved public budget allocated to legal aid (12.1 + 12.2)	5811015
12.1 Annual public budget allocated to legal aid for cases brought to court	NA
12.1.1 in criminal law cases	NA
12.1.2 in other than criminal law cases	NA
12.2 Annual public budget allocated to legal aid for non litigious cases or cases not brought to court (legal consultation, ADR, etc)	NA

Comment :

mail CN 6/2/14: Q 12: Increased budget for legal aid for 2012 in comparison to 2010 is due to the extension of the service users due to increasing number of poor citizens who do not have own sufficient financial resources to authorize a lawyer.

\*\*\*\*

According to the Law on Legal aid one of types of legal aid is pre-litigation advice with a view to reaching a settlement prior to bringing legal proceedings or to bringing a case before a court;

Such legal aid under may be granted to:

1. persons and families who satisfy the eligibility requirements for receipt of monthly social assistance benefit according to the procedure established by Article 9 and Article 10 of the Regulations for Application of the Social Assistance Act;
2. persons and families who satisfy the eligibility requirements for assistance with a targeted heating allowance for the preceding or current heating season;
3. persons placed in specialized institutions for provision of social services or using a resident-type social service or using a Mother and Baby Unit social service according to Article 36 of the Regulations for Application of the Social Assistance Act;
4. children placed with foster families or with immediate or extended family members according to the procedure established by the Child Protection Act;
5. a child at risk within the meaning given by the Child Protection Act;
6. persons referred to in Article 144 of the Family Code and to persons who have not attained the age of 21 years, in accordance with Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations;
7. victims of domestic or sexual violence or of trafficking in human beings, who are unable to pay and wish to avail themselves of the assistance of a lawyer;
8. seekers of international protection according to the procedure established by the Asylum and Refugees Act, in respect of which the granting of legal aid is not due on another legal basis;
9. foreigners in respect of whom a coercive administrative measure has been applied and foreigners accommodated at a special facility for temporary accommodation of foreigners according to the procedure established by the Foreigners in the Republic of Bulgaria Act, who are unable to pay and wish to avail themselves of the assistance of a lawyer;

Such circumstances are certified by judgments of court or by documents issued by the relevant competent authorities, and by a declaration on marital and property status of the person.

**13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided .**

Amount

83 876 607

Comment :

**14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :**

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level
Ministry of Justice	Yes	No	No	No
Other ministry	Yes	No	No	Yes
Parliament	No	Yes	No	No
Supreme Court	Yes	No	No	No
High Judicial Council	Yes	No	Yes	Yes
Courts	No	No	No	No
Inspection body	Yes	No	No	No

Other	No	No	No	No
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**14.1) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):**

**A.2 You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available, an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

Q 6, column 5 (Annual public budget allocated to investments in new (court) buildings) – The sum of 5828727 € was allocated by the State budget to the Ministry of Justice under Investments of Judiciary Bodies Programme. The Programme includes activities on making better the material basis of Judiciary Bodies – court and prosecution, as follows:

1. Acquisition of buildings;
2. Rehabilitation, reconstruction and major repairs of buildings;
3. Design and construction of new buildings.

**Please indicate the sources for answering questions 6, 9, 12 and 13.**

Q 6, 9, 13 - Supreme Judicial Council, Annual report for the cash budget implementation of the judiciary for 2012. Q 6, column 5 (Annual public budget allocated to investments in new (court) buildings) and A.2 - Ministry of Justice; Q 12 - National Legal Aid Bureau and Ministry of Justice

[1. 1. 3. Budgetary data concerning the whole justice system](#)

**15) The following data would be useful for information**

**15.1) (Former question 10) Annual approved public budget allocated to the whole justice system, in € (this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)**

NA

**15.2) (Former question 11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.**

Court (see question 6)	Yes
Legal aid (see question 12)	NAP
Public prosecution services (see question 13)	Yes
Prison system	NAP
Probation services	NAP
Council of the judiciary	No
Constitutional court	NAP
Judicial management body	No
State advocacy	NAP
Enforcement services	NAP
Notariat	NAP
Forensic services	Yes
Judicial protection of juveniles	NA
Functioning of the Ministry of Justice	NAP
Refugees and asylum seekers services	NAP
Other	NAP

Comment :

## 2. Access to justice

### 2. 1. Legal aid

#### 2. 1. 1. Principles

#### 16) Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes

#### 17) Does legal aid include the coverage of or the exemption from court fees?

- Yes  
 No

If yes, please specify:

#### 18) Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

- Yes  
 No

If yes, please specify:

#### 19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

Criminal cases	Other than criminal cases
Yes	Yes

Comment :

Legal aid encompasses also the lawyers' travelling expenses.

#### 20) Number of cases referred to the court for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

-----  
Please specify in the "comment" box below, when appropriate.

[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

	Number
Total	40134
in criminal cases	32107
other than criminal cases	8027

Comment :

#### 20.1) Number of cases not brought to court (see 12.2 above) for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Number of cases

2112

Comment :

**21) In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?**-----  
Please specify in the "comment" box below.

Accused individuals	Yes
Victims	Yes

Comment :

Legal aid system covers the cases in which an accused, a defendant, or a party to a criminal, civil or administrative matter is unable to pay for the assistance of a lawyer, wishes to have such assistance, and the interests of justice require this.

**22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system**

- Yes  
 No

**23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.**-----  
Please provide in the "comment" box below any information to explain the figures provided.

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	NA	NA
for other than criminal cases?	NA	NA

Comment :

On the basis of evidence presented by the relevant competent authorities, the court determines whether the party is unable to pay a lawyer's fee.

**24) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?**

- Yes  
 No

If yes, please explain the exact criteria for denying legal aid:

Legal aid is not granted where the granting of legal aid is not justified in terms of the benefit that such aid would confer on the applicant for legal aid; or where the claim is manifestly unfounded, unjustified, or inadmissible; or in the cases of commercial matters and tax matters under the Tax and Social-Insurance Procedure Code.

**25) In other than criminal cases, is the decision to grant or refuse legal aid taken by:**

- the court?  
 an authority external to the court?  
 a mixed authority (court and external bodies)?

**26) Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?**

- Yes

No

If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

**27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:**

criminal cases?	Yes
other than criminal cases?	Yes

**B.1 You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

Legal aid is granted only to natural persons, in criminal, civil and administrative matters before courts of all instances. Legal aid authorities are Ministry of Justice – it conducts the state policy in the sphere of legal aid; National Legal Aid Bureau /NLAB/ which provides general and methodological guidance of the activity concerning the granting of legal aid by issuing mandatory instructions on the application of the Act and the statutory instruments of secondary legislation; Bar Councils which organize and administer legal aid within the respective geographical jurisdiction; the authority directing the procedural steps, the court or the relevant police or customs authority decide whether to grant legal aid or not /when there is a civil or administrative case/. NLAB grants or refuses granting legal aid for a consultation with a view to reaching a settlement prior to bringing legal proceedings or to bringing a case before a court and/or preparation of documents for bringing a case before a court. The types of legal aid are: pre-litigation advice with a view to reaching a settlement prior to bringing legal proceedings or to bringing a case before a court; preparation of documents for bringing a case before a court; representation in court by legal counsel; representation upon detention under Article 63 (1) of the Ministry of Interior Act and under Article 16a of the Customs Act. The legal aid system cover the cases in which the assistance of a lawyer, a stand-by defence counsel or representation is mandatory as provided by virtue of a law /these cases are indicated in the procedural acts - Criminal Procedure code, Civil Procedure Code and in Administrative Procedure Code/. Legal aid system covers also the cases in which the candidate for legal aid is unable to pay for the assistance of a lawyer, wishes to have such assistance, and the interests of justice require this.

In the last two years the following reforms have been made:

1. Legislative changes in the Legal Aid Act /LAA/ in several directions: increasing the powers of the authorities of the legal aid system regarding the appliance of LAA and exercising control over granting legal aid;
2. Introduction of the figure of the stand-by defence counsel with the purpose of expediting court proceedings in criminal cases.
3. the scope of persons who have right to legal aid has been expanded: persons and families who satisfy the eligibility requirements for receipt of monthly social assistance benefit according to the procedure established by Article 9 and Article 10 of the Regulations for Application of the Social Assistance Act; persons and families who satisfy the eligibility requirements for assistance with a targeted heating allowance for the preceding or current heating season; persons placed in specialized institutions for provision of social services or using a resident-type social service or using a Mother and Baby Unit social service according to Article 36 of the Regulations for Application of the Social Assistance Act; children placed with foster families or with immediate or extended family members according to the procedure established by the Child Protection Act; a child at risk within the meaning given by the Child Protection Act; persons referred to in Article 144 of the Family Code and to persons who have not attained the age of 21 years, in accordance with Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations; victims of domestic or sexual violence or of trafficking in human beings, who are unable to pay and wish to avail themselves of the assistance of a lawyer; seekers of international protection according to the procedure established by the Asylum and Refugees Act, in respect of which the granting of legal aid is not due on another legal basis; foreigners in respect of whom a coercive administrative measure has been applied and foreigners accommodated at a special facility for temporary accommodation of foreigners according to the procedure established by the Foreigners in the Republic of Bulgaria Act, who are unable to pay and wish to avail themselves of the assistance of a lawyer.
4. Changes in the order and circumstances for entering and striking from the National Legal Aid Register – the disciplinary measures towards lawyers have increased, being a grounds for refusal for entering the Register and for striking from it.
5. Introducing legislative requirements /order, circumstances and terms/ for reporting legal aid.

**Please indicate the sources for answering questions 20 and 23:**

National Legal Aid Bureau, Software product – a system for management of legal aid.

**2. 2. Users of the courts and victims**

**2. 2. 1. Rights of the users and victims**

**28) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for which the general public may have free of charge access to the following:**  
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**The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:**

legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es):  Yes <http://dv.parliament.bg>

case-law of the higher court/s? Internet address(es):  Yes <http://www.sac.government.bg>  
[http://www.vks.bg/vks\\_p15.htm](http://www.vks.bg/vks_p15.htm)

other documents (e.g. downloadable forms, online registration)? Internet address(es):  Yes <http://www.srs.justice.bg/81>

Comment :  
Forms

**29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?**

- Yes  
 No  
 Yes only in some specific situations

If yes only in some specific situations, please specify:

**30) Is there a public and free-of-charge specific information system to inform and to help victims of crime?**

- Yes  
 No

If yes, please specify:

In accordance with the provisions of the Law on support and financial compensation to victims of crime, the authorities of the Ministry of Internal Affairs and NGOs to support victims of crime have an obligation to inform victims of their rights under this special law, including their rights in criminal proceedings. There is also a website of the National Council for Assistance and Compensation to Victims of Crime to the Minister of Justice ( [www.compensation.bg](http://www.compensation.bg)), which contains information on the rights of victims under the Law mentioned above. There are links to [www.compensation.bg](http://www.compensation.bg) on the websites of the Ministry of Interior and the organizations supporting victims of crime. In addition, National Council publishes specialized brochure in four languages (Bulgarian, English, German and French) on the rights of victims under the Law . Information brochures are available for free distribution by the Ministry of Interior, regional administrations, the judiciary bodies, non-governmental organizations to support victims of crime and other legal entities which in the performance of their activity contact with victims of crime .

Also the site [https://e-justice.europa.eu/content\\_victims\\_of\\_crime-65-bg.do](https://e-justice.europa.eu/content_victims_of_crime-65-bg.do) is very useful.

**31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.**

**[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]**

	Information mechanism	Special arrangements in court hearings	Other
Victims of sexual violence/rape	Yes	Yes	No
Victims of terrorism	Yes	Yes	No
Children (witnesses or victims)	Yes	Yes	No
Victims of domestic violence	Yes	Yes	No
Ethnic minorities	Yes	Yes	No
Disabled persons			

	Yes	Yes	No
Juvenile offenders	Yes	Yes	No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	No	No	No

Comment :

**31.1) Is it possible for minors to be a party to a judicial proceedings :**

- Yes  
 No

If yes, please specify which procedure can be concerned (civil, criminal, administrative/normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.) :

Minor persons can be a party to the civil proceedings in which they act personally and with the consent of their legal representative. In the criminal proceedings they can be criminally responsible persons after they reach the age of 14 years if he/she was able to understand the nature and meaning of the act and to manage his actions.

**32) Does your country allocate compensation for victims of crime?**

- Yes  
 No

If yes, for which kind of offences

Obtaining compensation from the offender:

Under civil law in Bulgaria, every person must redress the damage he has guiltily caused to another person. The Criminal Procedure Code of the Republic of Bulgaria provides ways for claims for compensation by victims of crime in criminal proceedings. If the person does not have a claim for damages in the criminal process or believes that awards of compensation does not cover all damages, shall be entitled to claim compensation under the provisions of the Law on Obligations and Contracts before a civil court, the case is being considered in the manner provided in Civil Procedure Code.

Obtaining compensation from the state:

In Bulgaria the possibility for victims to receive compensation from the state is governed by the Law on Support and Financial Compensation to Victims of Crime. This special law provides financial compensation for the material damage suffered expressly specified crimes committed after June 30, 2005, namely: terrorism, intentional murder, intentional severe injury of health, adultery and rape resulting in severe injury of health, human trafficking, crimes committed by or through a decision of an organized criminal group, and other serious intentional crimes by as consequences resulting in death or serious injury .

**33) If yes, does this compensation consist in:**

- a public fund?  
 damages to be paid by the responsible person (decided by a court decision)?  
 a private fund?

**34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?**

- Yes  
 No

If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

**35) Do public prosecutors have a specific role with respect to the victims (protection and assistance)?**

- Yes  
 No

If yes, please specify:

[e-mail sent on 14 March 2014: "There is only slight difference in the Criminal Procedure Code (CPC) on this matter:

- Where the victim, due to helpless state or dependency upon the perpetrator of the crime, cannot defend his or her rights and lawful interests, the prosecutor may join the proceedings initiated after a complaint by the victim, at any stage of the case, and may take up the accusation (Art. 48, par. 1 of the CPC);
- In exceptional cases of crimes prosecuted on the grounds of complaint by the victim, where the latter cannot defend his or her rights and legal interests due to a state of helplessness or dependency upon the perpetrator of the crime, the prosecutor may institute criminal proceedings ex officio (Art. 49, par. 1 of the CPC);
- Where the victim, on account of being underage or of a physical or mental deficiency, is unable to defend his/her rights and legal interests, the prosecutor may bring a civil action to his/her benefit (Art. 51 of the CPC);
- Article 75 of the CPC - In pre-trial proceedings, the victim shall have the following rights: be informed of his/her rights within the criminal proceedings; obtain protection with regard to his/her personal safety and the safety of its relatives; be informed of the progress of the criminal proceedings; take part in the proceedings in accordance with the provisions of this Code; furnish requests, note and objections; file appeals with regard to the acts resulting in the termination or suspension of criminal proceedings; have a counsel. The authority which initiates the pre-trial proceedings shall immediately notify the victim thereof, if the latter has specified an address for service in Bulgaria. The victim's rights arise if he/she has expressly requested to be involved in the pre-trial proceedings and specified an address for service in Bulgaria.
- At the proposal of the prosecutor with consent of the victim or at the request of the victim, the competent first-instance court may prohibit the accused party from directly approaching the victim Prohibition to approach the victim (Art. 67, par. 1 of the CPC);" (for further information concerning the status of witnesses and other "individuals at risk (private prosecutors, civil parties, defendants...) see the e-mail in PF sent on 14 March 2014)]

**36) Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case?**

-----  
**Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".**

- Yes
- No
- NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed).

If necessary, please specify:

[e-mail sent on 14 March 2014: "The termination of criminal proceedings by the prosecutor is envisaged in the Article 243 of the Criminal Procedure Code:

(1) The prosecutor shall terminate the criminal proceedings:

1. in cases under Article 24, paragraph (1);

2. should the prosecutor find that the indictment has not been proved;

(2) In the decree, the prosecutor shall also decide on issues pertaining to material evidence and revoke the measures of procedural coercion, as well as the measure securing the civil claim, where grounds for the imposition of the latter no longer exist.

(3) Copies of the decree for termination of the criminal proceedings shall be sent to the accused party and to the victim or his/her heirs, or to the prejudiced legal person who may, within seven days from the receipt thereof, appeal it before the respective first instance court.

(4) The court shall hear the case in a panel of one judge sitting in camera no later than 7 days following submission of the case-file, concluding on the substantiation and legality of the decree for termination of the criminal.

(5) By virtue of its ruling the court may:

1. Confirm the decree of the prosecutor,

2. Modify the decree of the prosecutor in relation to the grounds for termination of the criminal proceedings and the modalities of disposal of material evidence,

3. Revoke the decree of the prosecutor and remit the case to him/her accompanied with mandatory guidance on the application of the law.

(6) The decree under paragraph (5) may be objected by the prosecutor and appealed by the accused party, his/her defence counsel and the victim or his/her heirs, or by the prejudiced legal person, within seven days from notification before the respective intermediate appellate review instance court.

(7) The intermediate appellate review instance court shall make pronouncement in a three-judge panel sitting in camera, by a ruling which shall be final.

(8) No decree for the partial termination of criminal proceedings shall be drafted in the event of new constitution of the same individual in relation to the same criminal act.

(9) Where grounds under paragraph 1 were absent, the decree for termination of the criminal proceedings, which has not been appealed by the accused party, the victim or his/her heirs, or by the prejudiced legal person, may ex officio be revoked by a prosecutor with a higher-standing prosecution office. Revocation may also take place within a period of up to two years in cases +where proceedings for a serious crime have been instituted and within a period of up to one year - in all other cases, as of the date of issue of the decree for termination of the criminal proceedings. In exceptional circumstances the Prosecutor-General may revoke the decree for termination of the criminal proceedings also after this period has expired.

(10) (New, SG No. 109/2008) Upon revocation of the decree for termination of the criminal proceedings, a new timeline under Article 234 starts with regard to performing the investigation".]

## 2. 2. 2. Confidence of citizens in their justice system

### 37) Is there a system for compensating users in the following circumstances:

- excessive length of proceedings?
- non execution of court decisions?
- wrongful arrest?
- wrongful condemnation?

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

The Law on the liability for damage incurred by the State and the Municipalities provides for a liability procedure for damage incurred by the activity of the administration, the law enforcement bodies, the Commission for Illegal Assets Forfeiture, as well as by the activity of the bodies of the judiciary for violation of the right of examination and determining of a case in reasonable time limits.

### 38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)

- (Satisfaction) surveys aimed at judges
- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at the parties

(Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)

(Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:

The Supreme Judicial Council has not elaborated surveys.

**39) If possible, please specify:**

	Surveys at a regular interval (for example annual)	Occasional surveys
Surveys at national level	No	No
Surveys at court level	No	No

**40) Is there a national or local procedure for making complaints about the functioning of the judicial system (for example the handling of a case by a judge or the duration of a proceeding)?**

Yes

No

**41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.**

	Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complaint, etc.)	Time limit for dealing with the complaint
Court concerned	No	No
Higher court	Yes	No
Ministry of Justice	No	No
High Council of the Judiciary	Yes	No
Other external bodies (e.g. Ombudsman)	Yes	No

Comment :

**41.1) Please indicate the number of complaints that are upheld and the amount of compensation given to users in 2012 for complaints about the functioning of the judicial system**

NA

### 3. Organisation of the court system

#### 3. 1. Functioning

##### 3. 1. 1. Courts

**42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	113
42.2 First instance specialised Courts (legal entities)	34
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	70

**43) Number (legal entities) of first instance specialised courts (or specific judicial order). If data is not available, please indicate NA.**

-----  
**If the situation is not applicable in your country, please indicate NAP.**

	Number
Total (must be the same as the data given under question 42.2)	34
Commercial courts (excluded insolvency courts)	NAP
Insolvency courts	NAP
Labour courts	NAP
Family courts	NAP
Rent and tenancies courts	NAP
Enforcement of criminal sanctions courts	NAP
Fight against terrorism, organised crime and corruption	NAP
Internet related disputes	NAP
Administrative courts	28
Insurance and / or social welfare courts	NAP
Military courts	5
Other specialised 1st instance courts	1

Comment :

Specialized Criminal Court of the Republic of Bulgaria was established by the Law on amending the Law on the Judiciary, promulgated in State Gazette number 1/04.01.2011.

In our country specialized courts with a view to the perpetrator of crimes are military courts and with a view to the subject of crime activity - administrative courts and specialized criminal court.

Specialized Criminal Court is the only one in the country. Its jurisdiction covers criminal cases of a general nature for crimes carried out throughout the Republic of Bulgaria. Specialized Criminal Court is treated as a District Court and is situated in Sofia.

Criteria for determining the jurisdiction of the trials before the Specialized Criminal Court is the subject of the case, not the quality of the perpetrator. Subject matter jurisdiction of the Specialized Criminal Court and exhaustively listed cases for crimes are outlined in the provisions of Article 411 of the Criminal Procedural Code – basically crimes committed by organized criminal groups, or on behalf of them and following their decision, but also cases of crimes connected to the above - mentioned.

**44) Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?**

Yes

No

If yes, please specify:

**45) Number of first instance courts (geographic locations) competent for the following cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Number
a debt collection for small claims	NAP
a dismissal	NA
a robbery	NA

**Please give the definition for small claims and indicate the monetary value of a small claim:**

There is no national special procedure respectively definition for small claims but we are applying Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure.

**Please indicate the sources for answering questions 42, 43 and 45:**

Supreme Judicial Council

### 3. 1. 2. Judges, court staff

**46) Number of professional judges sitting in courts (if possible on 31 December 2012) (please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Please provide in the "comment" box below any useful comment for interpreting the data above.**

\*\*\*\*\*

**[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.**

**Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]**

	Total	Males	Females	NAP
Total number of professional judges (1 + 2 + 3)	2239	NA	NA	
1. Number of first instance professional judges	1188	NA	NA	
2. Number of second instance (court of appeal) professional judges	859	NA	NA	
3. Number of supreme court professional judges	192	NA	NA	

Comment :

**47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Total	Males	Females	NAP
Total number of court presidents (1 + 2 + 3)	184	NA	NA	
1. Number of first instance court presidents	113	NA	NA	
2. Number of second instance (court of appeal) court presidents	69	NA	NA	
3. Number of supreme court presidents	2	NA	NA	

**48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2012).**

-----

**Please provide in the "comment" box below any information to explain the answer under question 48.**

Gross figure NAP  
 If possible, in full-time equivalent NAP

Comment :

**49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2012) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury):**  
-----

**If such non-professional judges exists in your country, please specify it in the "comment" box below:**

Gross figure

NAP

Comment :

**50) Does your judicial system include trial by jury with the participation of citizens?**

Yes

No

If yes, for which type of case(s)?

Criminal Procedure Code provides for the role of court assessors (= jury). They take part in criminal proceedings in the hypotheses and in accordance with the procedures provided for in the Code. Court assessors have the same rights as judges. According to Article 28 the court tries criminal cases at first instance in a panel composed of:

1. A single judge, where the criminal offence entails up to five years of deprivation of liberty or a less heavy punishment;
2. A judge and two court assessors, where the criminal offence entails more than five years of deprivation of liberty as punishment;
3. Two judges and three court assessors, where the criminal offence entails no less than 15 years of deprivation of liberty or another, more severe punishment.

**51) Number of citizens who were involved in such juries for the year of reference:**

NA

**52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2012) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled). If "other non-judge staff", please specify it in the "comment" box below.**

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)  Yes (among which women) 6 014

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal

NAP

2. Non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars

Yes (among which women) 4 479

3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)

Yes (among which women) 1 480

4. Technical staff

NA

5. Other non-judge staff

Yes (among which women) 55

Comment :

Under other non-judge staff is included the number of court servants working in recreation department. The numbers under p. 2 and 3 are for all. There is no available separate data for the number of women.

mail CN 6/2/14: - Q 52: non judge staff assisting judges: 4479 (1679 for the previous exercise) Answer: The data is different, because in 2010 only the court secretaries were indicated, while in 2012 the number of all court staff from the so called specialized administration supporting the magistrates were given. For 2010 there were no data available on what was the number of the staff from the specialized administration that is why only the number of the court secretaries was given.

**53) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their**

**status and duties:**

NAP

**54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?** Yes No

If yes, please specify:

IT maintenance of hardware and software

**C1 You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

**Please indicate the sources for answering questions 46, 47, 48, 49 and 52**

Supreme Judicial Council

## 3. 1. 3. Public prosecutors and staff

**55) Number of public prosecutors (if possible on 31 December 2012) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.**

	Total	Males	Females	NAP
Total number of prosecutors (1 + 2 + 3)	1 977	NA	NA	
1. Number of prosecutors at first instance level	886	NA	NA	
2. Number of prosecutors at second instance (court of appeal) level	884	NA	NA	
3. Number of prosecutors at supreme court level	207	NA	NA	

## Comment :

[Mail from the NC sent on 17 April 2014: The total number of prosecutors of the second and third instances includes also the investigators in the Investigation departments at the District Prosecutor's Offices, District Military Prosecutor's Offices and the National Investigation Service. This way of organizing the data is result from the decision of the SJC (Minutes №19 from 13.05.2009), whereby the investigators from Sofia Investigation Office are reappointed in the Investigation department at the Sofia Regional Prosecution Office and the investigators from the District Investigation Services are reappointed in the District Investigation Departments at the District Prosecution Offices.

The figure 1977 - total number of prosecutors until 31.12.2012 includes 512 magistrates with position of "investigator in the Investigation Department at the District Prosecution Office";

The figure 886 - does not include magistrates with position of "investigator in the Investigation Department at the District Prosecution Office";

The figure 884 - Number of prosecutors at second instance including Prosecutor's Office of Appeal and Military District Prosecutor's Office includes – 451 prosecutors and 433 investigators in the Investigation Departments at the District Prosecution Offices and military investigators;

The figure 207 - Number of prosecutors at supreme court level includes – 128 prosecutors at supreme court level and 79 investigators at the National Investigation Service.

The information is provided on the base of actual number of occupied positions until 31.12.2012.]

**56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

-----  
Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females	NAP
Total number of heads of prosecution offices (1 + 2 + 3)	155	NA	NA	
1. Number of heads of prosecution offices at first instance level	113	NA	NA	
2. Number of heads of prosecution offices at second instance (court of appeal) level	41	NA	NA	

3. Number of heads of prosecution offices at supreme court level

1

NA

NA

Comment :

**57) Do other persons have similar duties to public prosecutors?**

- Yes  
 No  
 NA

Number (full-time equivalent)

**58) If yes, please specify their title and function:****59) If yes, is their number included in the number of public prosecutors that you have indicated under question 55?**

- Yes  
 No

**59.1) Do all prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?**

- Yes

**60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2012) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).**

Number  NA 2989  
 Among which women  NA

**C2 You can indicate below:**

- Any useful comments for interpreting the data mentioned in this chapter
- The characteristics of your judicial system and the main reforms that have been implemented over the last two years

The number of actually employed servants in the Prosecutor's Office to 31 December 2012 - 2989,5, includes 177 servants in recreation department.

**Please indicate the sources for answering questions 55, 56 and 60.**

Supreme Judicial Council - Staff establishment plan of the Prosecutor's office for the number of the prosecutors and investigators and information on the number of the servants in the Prosecutor's office towards December 2012

**3. 1. 4. Management of the court budget****61) Who is entrusted with responsibilities related to the budget within the court?**

-----  
 If "other", please specify it in the "comment" box below.

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	No	No	No	No
Court President	No	No	No	No
Court administrative director	Yes	No	No	Yes
Head of the court clerk office	No	No	No	No
Other	Yes	No	Yes	Yes

Comment :

The persons responsible for the budget within the courts are the court administrator and the chief accountant.

### 3. 1. 5. Use of Technologies in courts

**62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?**

Word processing	100% of courts
Electronic data base of caselaw	100% of courts
Electronic files	100% of courts
E-mail	100% of courts
Internet connection	100% of courts

**63) For administration and management, what are the computer facilities used within the courts?**

Case registration system	100% of courts
Court management information system	100% of courts
Financial information system	100% of courts
Videoconferencing	-10% of courts

**64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts ?**

-----

**Si "autres moyens de communication électronique", veuillez le préciser dans la boîte de commentaires ci-dessous.**

Electronic web forms	100% of courts
Website	100% of courts
Follow-up of cases online	0 % of courts
Electronic registers	100% of courts
Electronic processing of small claims	0 % of courts
Electronic processing of undisputed debt recovery	0 % of courts
Electronic submission of claims	0 % of courts
Videoconferencing	-10% of courts
Other electronic communication facilities	0 % of courts

Comment :

**65) The use of videoconferencing in the courts (details on question 63).**

-----

**Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.**

65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses or victims?	Yes
65.2 Can such court hearing be held in the police station and/or in the prison?	Yes
65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence?	No
65.4 Is videoconferencing used in other than criminal cases?	No

Comment :

**C3 You can indicate below:**

**- any useful comments for interpreting the data mentioned in this chapter**

- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

### 3. 2. Monitoring and evaluation

#### 3. 2. 1. Performance and evaluation

**66) Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary?**

Yes

No

If yes, please indicate the name and the address of this institution:  
1000 Sofia, Supreme Judicial Council, 12, Ekzarh Yosif str.

**66.1) Does this institution publish statistics on the functioning of each court on the internet:**

Yes

No, only in an intranet website

No

**67) Are individual courts required to prepare an annual activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?**

Yes

No, only in an intranet website

**68) Do you have, within the courts, a regular monitoring system of court activities concerning:**

-----  
**The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).**

number of incoming cases?

number of decisions delivered?

number of postponed cases?

length of proceedings (timeframes)?

other?

If other, please specify:

**69) Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?**

-----  
**The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).**

Yes

No

If yes, please specify:

**70) Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 72)**

Yes

No

**71) Please select the 4 main performance and quality indicators that have been defined:**

- incoming cases
- length of proceedings (timeframes)
- closed cases
- pending cases and backlogs
- productivity of judges and court staff
- percentage of cases that are processed by a single sitting judge
- enforcement of penal decisions
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- judicial quality and organisational quality of the courts
- costs of the judicial procedures
- other:

If other, please specify:

**72) Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?**

- Yes
- No

**73) Who is responsible for setting the targets for each judge?**

- executive power (for example the Ministry of Justice)?
- legislative power
- judicial power (for example a High Judicial Council, Higher Court)
- President of the court
- other

If other, please specify:

NA

**74) Are there performance targets defined at the level of the court (if no please skip to question 77)?**

- Yes
- No

**75) Who is responsible for setting the targets for the courts?:**

- executive power (for example the ministry of Justice)?
- legislative power
- judicial power (for example a High Judicial Council, Higher Court)
- President of the court
- other

If other, please specify:

**76) Please specify the main targets applied to the courts:****77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)**

- High Council of judiciary

- Ministry of Justice  
 Inspection authority  
 Supreme Court  
 External audit body  
 Other

If other, please specify :

**78) Are quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?**

- Yes  
 No

If yes, please specify:

**79) Do you have specialised court staff that is entrusted with these quality standards?**

- Yes  
 No

**80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for ?**

- in civil law cases  
 in criminal law cases  
 in administrative law cases

**81) Do you monitor waiting time during court procedures?**

- Yes  
 No

If yes, please specify:

**82) Is there a system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?**

-----

**This question does not concern the specific evaluation of performance indicators.**

- Yes  
 No

Please specify the frequency of the evaluation:

**83) Is there a system for monitoring and evaluating the performance of the public prosecution service?**

- Yes  
 No

If yes, please give further details:

[e-mail from NC sent on 14 March 2014: "The Methodology for assessment of judges, prosecutors, investigators, administrative heads and deputy administrative heads envisaged the general and specific criteria for assessment.

The general criteria for assessment are:

1. Legal knowledge and skills to implement it;
2. Ability to analyze relevant legal facts;
3. Skills for optimal organization of work;
4. Efficiency and discipline.

The specific criteria for assessment of a prosecutor are:

1. skills in planning and structuring actions in pre-trial proceedings;
2. implementation of written instructions and orders of the superior prosecutor;
3. ability to organize work and guide the investigating authorities and the teams that participate in pre-trial proceedings.

There are specific indicators to each criteria".]

**C.4 You can indicate below:**

- **any useful comments for interpreting the data mentioned in this chapter**
- **the characteristics of your court monitoring and evaluation systems**

Q 68 - Every six months the courts prepare an activity report, according to art. 30, paragraph 1, p.13 of the Law on the Judiciary

## 4. Fair trial

### 4. 1. Principles

#### 4. 1. 1. General principles

**84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a lawyer)?**

NA

**85) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?**

- Yes  
 No

Number of successful challenges (in a year):

NA

**86) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate NA.**

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	3	70	7	0
Civil proceedings - Article 6§1 (non-execution)	2	0	1	0
Criminal proceedings - Article 6§1 (duration)	1	40	6	0

**Please indicate the sources:**

Ministry of Justice

**D.1 You can indicate below any useful comments for interpreting the data mentioned in this chapter**

Q 86 - In the section "Friendly settlements" are included unilateral declarations made by the Government with a view to resolving the cases. The increased number of friendly settlements and unilateral declarations is a result from the Pilot-judgment procedure and the Court's policy of encouraging friendly settlements between the parties.

The overall number of cases, declared inadmissible by the Court on account of civil proceedings is 3. Two of these cases contain complaints about non-execution of judgments which are also declared inadmissible.

No information has been given in the previous two rounds of evaluation which cause the significant difference in the figures.

### 4. 2. Timeframes of proceedings

#### 4. 2. 1. General information

**87) Are there specific procedures for urgent matters as regards:**

- civil cases?  
 criminal cases?  
 administrative cases?  
 there is no specific procedure

If yes, please specify:

Summary proceedings – art. 356 of the Criminal Procedure Code provides that Summary proceedings shall be carried out, where:

1. the perpetrator was caught in the act or immediately after the perpetration;
2. obvious traces of the crime have been found on the body or the clothes of the perpetrator;
3. the perpetrator has appeared in person before the respective bodies of the Ministry of Interior, the investigative body or the prosecutor and has confessed the perpetrated crime;
4. an eye –witness has designated the perpetrator of the crime;

Immediate proceedings shall be carried out where the individual has been caught during or immediately after the commission of a criminal offence and has been indicated by an eyewitness as the perpetrator thereof.

**88) Are there simplified procedures for:**

- civil cases (small disputes)?
- criminal cases (small offences)?
- administrative cases?
- there is no simplified procedure

If yes, please specify:

For civil proceedings – Order for payment procedure under art. 410 (Request for the issuing of an enforcement order) and art. 417 of the Civil Procedure Code (enforcement order based on document);

For the criminal proceedings – under art. 78a of the Criminal Code (discharge of criminal liability and imposing administrative penalty);

**88.1) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?**

- Yes
- No

**89) Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?**

- Yes
- No

If yes, please specify:

[4. 2. 2. Case flow management and timeframes of judicial proceedings](#)

**90) Comment:**

**The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.**

**91) First instance courts: number of other than criminal and criminal law cases. Number of other than criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note 1: cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.**

**Note 2: check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should r**

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)*	74505	392320	387832	78993
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	NA	NA	NA	NA
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	NA	NA	NA	NA
3. Non litigious enforcement cases	NA	NA	NA	NA
4. Non litigious land registry cases**	NA	NA	NA	NA
5. Non litigious business registry cases**	NA	NA	NA	NA
6. Administrative law cases	8622	28726	26462	10886
7. Other cases (e.g. insolvency registry cases)	65883	363594	361370	68107

**92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:**

NA

**93) If "other cases", please indicate the case categories included:**

All civil cases observed by the Bulgarian courts.

**94) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.**

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	24400	157079	155201	26278
8. Severe criminal cases	NA	NA	NA	NA
9. Misdemeanour and / or minor criminal cases	NA	NA	NA	NA

**95) To differentiate between misdemeanour / minor offenses and serious offenses and ensure the consistency of the responses between different systems, the CEPEJ invites to classify as misdemeanour / minor all offenses for which it is not possible to pronounce a sentence of deprivation of liberty. Conversely, should be classified as severe offenses all offenses punishable by a deprivation of liberty (arrest and detention, imprisonment). If you cannot make such a distinction, please indicate the categories of cases reported in the category "serious offenses" and cases reported in the category "minor offenses":**

Regarding the fact that according to the form and the degree of the guilt, as well as the degree of public danger for most of the crimes in the Bulgarian Criminal Code provides for a deprivation of liberty, a distinction is hard to be made. The offences could be divided into two categories:

Common offences – The search of responsibility is subordinated to the common regime (there is public interest concerned or public interest and personal goods). Such are the crimes against the individuals (homicide, grievous or intermediate bodily harm, rape, fornication and etc.), crimes against the property (the list is not exhaustive);

Offences subject to private prosecution – The criminal proceedings is initiated upon a complaint by the affected person (personal interests of the affected person, and usually the affected person and the perpetrator are close relatives). Those offences have a lower degree of public danger and affect less the rights of the affected person. Such offences are the minor bodily injury, the insult, the slander and etc.

**96) Comments on questions 90 to 95 (specific situation in your country e.g. NA-answers and the calculation of the total number of other than criminal law cases, differences in horizontal consistency etc.)**

**97) Second instance courts: total number of cases**

**Number of "other than criminal law" cases.**

**If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	11 647	53 090	52 102	12 635
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	NA	NA	NA	NA
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	NA	NA	NA	NA
3. Non litigious enforcement cases	NA	NA	NA	NA
4. Non litigious land registry cases	NA	NA	NA	NA
5. Non litigious business registry cases	NA	NA	NA	NA
6. Administrative law cases	1 772	12 245	11 524	2 493
7. Other cases (e.g. insolvency registry cases)	9 875	40 845	40 578	10 142

**98) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	1879	14885	14894	1870
8. Severe criminal cases	NA	NA	NA	NA
9. Misdemeanour and/or minor criminal cases	NA	NA	NA	NA

Comment :

**99) Highest instance courts: total number of cases**

**Number of "other than criminal law" cases:**

**If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	11 322	31 905	34 630	8 597
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	NA	NA	NA	NA
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	NA	NA	NA	NA
3. Non litigious enforcement cases	NA	NA	NA	NA
4. Non litigious land registry cases**	NA	NA	NA	NA
5. Non litigious business registry cases	NA	NA	NA	NA
6. Administrative law cases	5 338	15 718	16 282	4 774
7. Other cases (e.g. insolvency registry cases)	5 984	16 187	18 348	3 823

**99.1) At the level of the Higher court, is there a procedure of manifest inadmissibility?**

Yes. If yes, please indicate the number of cases closed by this procedure?

No

Number

**100) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	272	2 371	2 383	260
8. Severe criminal cases	NA	NA	NA	NA
9. Misdemeanour and/or minor criminal cases				

	NA	NA	NA	NA
--	----	----	----	----

Comment :

**101) Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Pending cases on 1 January 2012	Incoming cases	Resolved cases	Pending cases on 31 December 2012
Litigious divorce cases	3009	6221	6632	2598
Employment dismissal cases	1076	2491	2489	1078
Insolvency	887	1583	1311	1159
Robbery cases	593	1466	1497	562
Intentional homicide	74	163	166	71

**102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

-----  
**[The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.]**

	% of decisions subject to appeal	% pending cases more than 3 years	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)
Litigious divorce cases	8	NA	NA	NA	NA	NA
Employment dismissal cases	68	NA	NA	NA	NA	NA
Insolvency	44	NA	NA	NA	NA	NA
Robbery cases	37	NA	NA	NA	NA	NA
Intentional homicide	93	NA	NA	NA	NA	NA

**103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):**

The divorce by mutual consent is a non-contentious proceeding, regulated in art. 50 and next of the Family Code and art. 330 of the Civil Procedure Code. The advantage of this procedure for termination of the marriage (not the common one – by action) is that the court permits the divorce without searching for their reasons for termination of the marriage and therefore no evidence for the disruption of the matrimonial relationship are gathered. The grounds for the divorce in that case are "the serious and firm mutual consent" (art. 50 of the Family Code). This is a prerequisite for allowing the divorce without the consent itself having constitutive meaning. This is so, because according to the Bulgarian law, a divorce shall be enacted by the court and the act, which terminates the marriage shall be a decision of the court.

**104) How is the length of proceedings calculated for the five case categories? Please give a description of the calculation method.**

NA

**105) Role and powers of the public prosecutor in the criminal procedure (multiple options possible):**

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to request investigation measures from the judge
- to charge
- to present the case in the court
- to propose a sentence to the judge
- to appeal
- to supervise the enforcement procedure
- to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision

other significant powers

If "other significant powers", please specify:

According to the Criminal Procedure Code a prosecutor at a higher position and a prosecutor with a higher prosecution office may revoke in writing or amend the decrees of prosecutors directly reporting to him/her. His/her written instructions shall be binding on them. In such cases he/she may take the necessary investigative or other procedural action alone. Also, the Prosecutor-General of the Republic of Bulgaria exercises supervision for legality of and provide methodological guidance for the operation of all prosecutors.

The public prosecutor may:

- suspend criminal proceedings in certain cases;
- assign the respective bodies of the Ministry of Interior, the State Agency for National Security, or the Customs Agency with establishing the identity of, and tracing down the perpetrator when the perpetrator of a criminal offence is unknown;
- the prosecutor may take the materials concerning non-identified and non-located individuals in a separate case where evidence is collected in the case of the involvement of more individuals;
- the prosecutor may take materials concerning some of the offences in a separate case where evidence is collected in the case of several criminal offences committed by one and the same individual.

**106) Does the public prosecutor also have a role in civil and/or administrative cases?**

Yes

No

If yes, please specify:

According to the Civil Procedure Code the prosecutor may participate in the proceeding, enjoying the rights of a party, in the cases provided for by a law. The prosecutor may not perform any steps which constitute disposition of the subject matter of the case. The prosecutor in civil cases has several roles, depending on the powers conferred on it by law.

There are cases in which the prosecutor gives only conclusion as a party to the proceedings. In these cases participation aims to deliver valid, acceptable and proper judgment:

- Civil Procedure Code – cases for interdiction; cases for establishment of facts; cases for proceedings for a declaration of absence or death;
- Family Code - in adoption proceedings; proceedings on termination of the adoption; proceedings for revocation or restriction of parental rights;
- Law on Liability of State and Municipalities - proceedings in realizing the responsibility of state and local governments for damage caused to individuals and legal persons;
- The Law on Child Protection - proceedings to return the child or for the exercise of rights of access; proceedings for recognition and enforcement of judgments of foreign courts and other foreign authorities; proceedings relating to parental rights and the measures to protect children;
- Law on Forfeiture to the Exchequer of Unlawfully Acquired Assets – participation of the prosecutor;
- Law on the Settlement of Collective Labour Disputes - proceedings to establish the illegality of the notice started or ended strike action of the employer or workers who strike;
- Law on Civil Registration - proceedings on changing the name of the person who acquired or restored Bulgarian citizenship;
- Law on Political Parties - registration procedures for registration of political party;

In many cases, the law gives the prosecutor an opportunity to initiate a civil lawsuit as a claim on behalf of the Prosecution:

- Civil Procedure Code - cases for interdiction; challenge of acts issued within non-contentious proceedings; request the declaration of absence or death to be canceled or amended; proceedings for cancellation of registration;
- Family Code - claim for annulment of marriage; appeal of the decision to allow the adoption; claim for termination of adoption in case of affecting public interest; appeal against a decision for international adoption; claim for restriction or termination of parental rights; appeal the actions of the guardianship and custody;
- Law on Religious Denominations - Legal proceedings for the enforcement of restrictions against freedom of religion in explicitly stated assumptions;
- Law on Energy Act - application for a declaration of nullity of decisions issued by companies in explicitly stated assumptions;
- Law on Cooperations – claim for revocation or cancellation of a cooperation; claim for revocation of an European cooperate company; claim for repealing decisions and actions of the bodies of the cooperation;
- Law on Community Centers – claim for annulment of the decision of the General Assembly; claim for revocation of community center;
- Law on Political Parties Act - claim for judgment for dissolution of a political party;
- Law on Commercial Register - claim for an establish inadmissibility or nullity of a recording, as well as for non-existence of a recorded circumstance;
- Law on Non-profit Legal Entity – claim for revocation of legal entity; request for the exercise of judicial review of decisions of the general meeting of the company;
- Commercial Law - claim for invalidation of a company; claim for revocation of company; claim for revocation of a European Economic Interest Grouping;
- Law on Cadastre and Property Register – claim for challenging the registration and application for cancellation of registration in the Land Register;
- The Law on Child Protection - claim for the imposition or termination of measures to protect the child;
- Law on Health - request for accommodation and termination of compulsory treatment;
- Law on Civil Registration - request for judgment for the compilation of birth or death certificate.

The prosecutor may participate in administrative proceedings in the cases explicitly listed in the Administrative Procedure Code of the Republic of Bulgaria:

- The prosecutor ensures compliance with the law in the administrative process , such as:
  1. take action to rescind illegal administrative and judicial acts;
  - 3 . as provided in this Code or any other law cases involved in administrative matters ;
  - 3 . starting or entering into already formed under this Code and proceedings where it considers that this is an important state or public interest.
- The prosecutor exercises its legal rights under the rules established for the parties. During its participation in the administrative proceedings, the prosecutor gives conclusion.

According to the Art. 127 of the Constitution of the Republic of Bulgaria the prosecution is obliged to ensure legality in the Republic of Bulgaria. The Law on the Judiciary

provides the prosecutor to take action against the illegal acts of the administration. Prosecutors from the administrative departments at the district prosecutor's department "Supervision of legality, protection of public interests and rights of citizens" in the Supreme Administrative Prosecution Office in the pre-trial administrative process attacking the act of protest or a reasoned proposal to the authority issued the administrative act.

In the event that the State Agency for Child Protection issues an unlawful administrative act by which concerns the rights and interests of child, the prosecutors in the Supervision of legality, protection of public interests and rights of citizens department take action to attack the act. But prosecutors of Administrative Judicial Supervision Department in the Supreme Administrative Prosecution Office take part in the judicial phase of the second instance to the Supreme Administrative Court on cases of a complaint by a citizen or other person seeking the annulment of an unlawful administrative act of the State Agency for Child Protection.

**106.1) Does the public prosecutor also have a role in insolvency cases?**

- Yes  
 No

If yes, please specify:

The prosecutor is a part under law in insolvency proceedings as follows:

- Law on Bank Insolvency - proceedings claimed by the Central Bank for opening insolvency procedure of a bank;
- Insurance Code - insolvency of the insurance company;
- Social Insurance Code - insolvency of company for supplementary social insurance.

**107) Case proceedings managed by the public prosecutor**

**Total number of 1st instance criminal cases.**

**If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Received by the public prosecutor	Cases discontinued by the public prosecutor (see 108 below)	Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	144950	91523	NAP	41595

**107.1) Among cases charged by the public prosecutor before the courts, how many were brought to court under a guilty plea procedure or similar ?**

	Before the court case:	During the court case:
If possible, please distinguish the number of guilty plea procedure:		

**108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Number
Total cases which were discontinued by the public prosecutor (1+2+3)	91 523
1. Discontinued by the public prosecutor because the offender could not be identified	NAP
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	91 523
3. Discontinued by the public prosecutor for reasons of opportunity	NAP

**109) Do the figures include traffic offence cases?**

- Yes  
 No

**D.2 You can indicate below:**

**any useful comments for interpreting the data mentioned in this chapter**

**the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years**

Question 107:

Received by the public prosecutor Column - According to the Criminal Procedure Code (CPC), the prosecutor observes pre-trial proceedings from its generation to the end with final public prosecutors act - termination or addressed to court. By a prosecutor in 2012 were received 144950 pre-trial proceedings in which the investigation has been completed and should be addressed.

Cases discontinued by the public prosecutor Column - according to Bulgarian legislation prosecutor may terminate the trial only on grounds specified in the Law. Number of terminated pre-trial proceedings in 2012 is 91523 on the reason of the absence of a crime or on other grounds explicitly provided in the CPC. The prosecutor has no legal option to terminate the proceedings on grounds other than those provided for in CPC.

According to Bulgarian legislation prosecutor may not terminate pre-trial proceeding due to disclosure of the offender except in cases of expiry of the prescribed limitation period for prosecution. In these cases the reason is the expiration of the statutory period of limitation, and not because the perpetrator is not identified. As mentioned in the answer to question 105 - when the perpetrator has not been identified prosecutor stops case but actions for the disclosure of the perpetrator continuing. Upon detection of the perpetrator investigation will be reopened by the prosecutor. Terminated pre-trial proceedings conducted against an unknown perpetrator due to the expiration of the statutory limitation period in 2012 were 59 063, and are part of all suspended.

Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor Column - according to the instructions for filling "must contain information about cases that were not considered by the judge" - Bulgarian criminal legislation does not provide the prosecutor to impose punishment without the approval of a judge.

Question 108 - see notes to question 107 .

**Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107 and 108.**

Q 90 - 104 - Supreme Judicial Council

Q 105 - 109 - Supreme Cassation Prosecution Office

## 5. Career of judges and public prosecutors

### 5. 1. Recruitment and promotion

#### 5. 1. 1. Recruitment and promotion

##### 110) How are judges recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If "other", please specify:

Junior judges competition; Competition for initial appointment in the bodies of the judiciary and Competition for promotion and transfer.

##### 110.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

- Yes
- No

If "yes", please specify:

##### 111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].

- An authority made up of judges only?
- An authority made up of non-judges only?
- An authority made up of judges and non-judges?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

Supreme Judicial Council

##### 112) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, which authority is competent for the promotion of judges ?

##### 112.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

- Yes
- No

If "yes", please specify:

##### 113) Which procedures and criteria are used for promoting judges? Please specify.

Art. 188-194 of the Law on Judiciary and in the Rules for conducting competitions for junior judges and junior prosecutors, for an initial appointment and promotion to an office and removal of judges, prosecutors and investigators.

**114) Is there a system of qualitative individual assessment of the judges' activity?**

- Yes  
 No

If yes, please indicate the frequency

**115) Is the status of prosecution services:**

- Independent?  
 Under the authority of the Minister of justice ?  
 Other?

Please specify:

**116) How are public prosecutors recruited?**

- Mainly through a competitive exam (for instance, following a university degree in law)  
 Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)  
 A combination of both (competitive exam and working experience)  
 Other

If "other", please specify:

Competition for junior prosecutors, for an initial appointment and promotion in the bodies of the judiciary to an office and Competition for promotion and transfer.

**117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:**

**[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).]**

- An authority composed of public prosecutors only?  
 An authority composed of non-public prosecutors only?  
 An authority composed of public prosecutors and non-public prosecutors?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

Supreme Judicial Council

**117.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?**

- Yes  
 No

If "yes", please specify:

**118) Is the same authority formally responsible for the promotion of public prosecutors?**

- Yes  
 No

If no, please specify which authority is competent for promoting public prosecutors:

**119) Which procedures and criteria are used for promoting public prosecutors? Please specify:**

Art. 188-194 of the Law on Judiciary and in the Rules for conducting competitions for junior judges and junior

prosecutors, for initial appointment and promotion and transfer of judges, prosecutors and investigators.

**119.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?**

- Yes  
 No

If "yes", please specify:

**120) Is there a system of qualitative individual assessment of the public prosecutors' activity?**

- Yes  
 No

**121) Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

-----  
**If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below**

Yes. If yes, please indicate the compulsory retirement age	65
No	

Comment :

The judges have no mandate. The administrative heads have mandate of 5 years. The retirement age is 65 years – art. 165, paragraph 1, p. 1 of the Law on the Judiciary.

**121.1) Can a judge be transferred to another court without his consent:**

- For disciplinary reasons  
 For organisational reasons  
 For other reasons. Please specify modalities and safeguards

Please specify modalities and safeguards

**122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.**

	Duration of the probation period (in years)
Yes	5
No	
NAP	

**123) Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

-----  
**If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below:**

Yes. If yes, please indicate the compulsory retirement age	YES
No	

Comment :

The prosecutors have no mandate. The administrative heads have mandate of 5 years. The retirement age is 65 years – art. 165, paragraph 1, p. 1 of the Law on the Judiciary.

**124) Is there a probation period for public prosecutors? If yes, how long is this period? If the situation is not applicable in your country, please indicate NAP.**

	Duration of the probation period (in years)
Yes	5
No	
NAP	

**125) If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)? Is it renewable?**

NAP

**126) If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)? Is it renewable?**

NAP

**E.1 You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of the selection and nomination procedure of judges and public prosecutors and the main reforms that have been implemented over the last two years

## 5. 2. Training

### 5. 2. 1. Training

**127) Training of judges**

Initial training (e.g. attend a judicial school, traineeship in the court)	Compulsory
General in-service training	Optional
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Optional
In-service training for management functions of the court (e.g. court president)	Optional
In-service training for the use of computer facilities in courts	No training offered

**128) Frequency of the in-service training of judges:**

General in-service training	Annual / Regular (e.g. every 3 months)
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Occasional (e.g. at times)
In-service training for management functions of the court (e.g. court president)	Occasional (e.g. at times)
In-service training for the use of computer facilities in courts	No training proposed

**129) Training of public prosecutors**

Initial training	Compulsory
General in-service training	Optional
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Optional
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Optional
In-service training for the use of computer facilities in office	No training proposed

**130) Frequency of the in-service training of public prosecutors**

General in-service training	Annual / Regular (e.g. every 3 months)
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Occasional (e.g. at times)
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Occasional (e.g. at times)
In-service training for the use of computer facilities in office	No training proposed

**131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate the budget of such institution(s) in the "comment" box below.**

-----  
**If your judicial training institutions do not correspond to these criteria, please specify it:**

	Initial training only	Continuous training only	Initial and continuous training	2012 budget of the institution, in €
One institution for judges	No	No	No	No
One institution for prosecutors	No	No	No	No
One single institution for both judges and prosecutors	No	No	Yes	Yes

Comment :

For 2012 the budget of the National Institute of Justice is 1503273 €.

**131.1) If there is no initial training for judges and/or prosecutors in such institutions, please indicate briefly how these judges and/or prosecutors are recruited and trained ?****E.2 You can indicate below:**

**any useful comments for interpreting the data mentioned in this chapter**

**comments regarding the attention given in the curricula to the European Convention on Human Rights and the case law of the Court**

**the characteristics of your training system for judges and public prosecutors and the main reforms that have been implemented over the last two years**

The National Institute of Justice (NIJ) is a public institution, which provides learning opportunities for the Judiciary. The National Institute of Justice became operational on January 1, 2004.

In 2012 The National Institute of Justice had the following main activities:

1. Initial Training:

- Compulsory initial training for candidate junior magistrates (candidate junior judges and junior prosecutors) - nine-month training under the art. 249, paragraph 1 and 2 of the Judicial system act designed for the candidate junior magistrates who have successfully passed the relevant competition. The nine-month training was introduced by amendments to the JSA in 2011, effective from 01.01.2012; before that the compulsory initial training was six-months long.

- Compulsory initial qualification - courses meant to further the qualification of the judges, prosecutors and investigators who are first-time appointees at the bodies of the Judiciary.

2. Continuing Training of Magistrates:

- Training courses for all sitting magistrates. The emphasis in these qualification courses is laid upon the current amendments to legislation, changes in jurisprudence, interdisciplinary topics and training in EU Law.

3. Training of Court Administration:

- Training courses for court clerks under diverse curricula.

4. A Learning and Information Center has been established within NIJ that carries out the following activities:

- organizes and conducts distance learning courses;
- provides library and documentation services, access to case-law databases (including access to a computer room);
- maintains the Institute's website, including update of the information on NIJ trainings and publications of training or other information materials;
- provides for the development and recognition of the Extranet system as a platform for exchange of legal information among magistrates;
- provides for the development of NIJ research capacity through the establishment of an Empirical Legal Research Center/Unit.

In 2012 the NIJ held 1 roundtable and 2 seminars in cooperation with the Council of Europe on the European Convention on Human Rights for judges, prosecutors, investigators and lawyers with 108 participants altogether. The seminars were on the following topics:

1. Round table on the European standards in relation to election, promotion and disciplinary proceedings in respect of the judiciary and review of the case law of the European convention on human rights with specific emphasis on the

articles 6 and 10; Sofia, 20 April 2012, 44 participants

2. The European convention on human rights (with specific emphasis on articles 6 and 8); Sofia, 12-13 June 2012, 47 participants;

3. Professional training of lawyers on national defense of the rights of Roma; Sofia, 19-20 June 2012, 17 participants (lawyers).

A visit to the Council of Europe including the European Court of Human Rights was organized for Supreme Judges and Prosecutors from Bulgaria, Strasbourg , 14-15.05.2012, 23 participants

Also a seminar on the topic "Charter of Fundamental Rights of the EU and EU accession to the ECHR", Sofia, 30 May- 1 June 2012, 30 participants (judges and prosecutors) was organized by NIJ in cooperation with IRZ(German Foundation for international legal cooperation).

### 5. 3. Practice of the profession

#### 5. 3. 1. Practice of the profession

#### 132) Salaries of judges and public prosecutors.

	Gross annual salary, in €, on 31 December 2012	Net annual salary, in €, on 31 December 2012
First instance professional judge at the beginning of his/her career	14345	12911
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	28019	25217
Public prosecutor at the beginning of his/her career	14345	12911
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General)	28019	25217

Comment :

mail CN 6/2/14: Question № 132 the differences between the current and the previous assessment cycle are due to the fact that in 2010 the basis for assessment were the data from Table 1 of SJC determining the maximum amount of the monthly salary of judges, prosecutors and investigators, and in 2012 basis for assessment were the data from the Information for the funds for salaries from the establishment plans and the average salary by positions, which is prepared by all the bodies of the judiciary and is summarized in the SJC. This information file reflects the actually received gross salaries, which include the basic salary and additional remuneration for grade and service.

#### 133) Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	No	No
Housing	No	No
Other financial benefit	No	No

#### 134) If other financial benefit, please specify:

#### 135) Can judges combine their work with any of the following other functions ?

	With remuneration	Without remuneration
Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	No	No
Consultant	No	No
Cultural function	No	No
Political function	No	No
Other function	No	No

#### 136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.

## Art . 195 Law on Judiciary - Section III Incompatibility

## Article 195

(1) A judge, prosecutor or an investigating magistrate, while in office, may not:

1. Be a member of the National Assembly, a mayor or municipal councillor;
2. (Amended, SG No. 17/2013) Be in office in state bodies, except as member of the Central Election Commission, in municipal bodies or in EU institutions;
3. (Supplemented, SG No. 1/2011, effective 4.01.2011) Exercise trade or be a partner, manager or sit on supervisory, management boards or boards of directors or on control bodies of commercial companies, cooperatives or non-profit legal entities carrying out profitable business, with the exception of those of professional associations of the judges, prosecutors and investigating magistrates or of other lawyers;
4. (Supplemented, SG 25/2009, effective 3.04.2009, SG No. 33/2009, amended, SG No. 1/2011, effective 4.01.2011) Be remunerated for business under a contract or as part of an official legal or other relationship with a state, municipal or public organisation, a commercial company, cooperative, non-profit legal entity, an individual or sole proprietor, with the exception of scientific or teaching activities, for participation in the Central Election Commission and in election commissions during elections for members of Parliament, members of the European Parliament from the Republic of Bulgaria, President and Vice-President of the Republic and local elections, for participation in drawing up draft normative acts assigned by the National Assembly or by bodies of the executive as well as for the exercise of copyright and for participation in international projects, including ones funded by the European Union;
5. Exercise a liberal profession or another remunerate professional activity;
6. Be a member of political parties or coalitions, of organisations with a political goal, carry out political activity, as well as be a member of organisations or carrying out business interfering with his independence;
7. Be a member of a trade union organisation outside the judicial system.

(2) (New, SG No. 1/2011, effective 4.01.2011) The judges from the administrative courts, the judges from the Supreme Administrative Court, the prosecutors from the administrative departments of the regional prosecution offices, the prosecutors from the supreme administrative prosecution office and the investigating magistrates may not be members of the Central Election Commission and of election commissions during elections for members of Parliament, members of the European Parliament from the Republic of Bulgaria, President and Vice-President of the Republic and local elections.

(3) (Renumbered from paragraph 2, amended and supplemented, SG No. 1/2011, effective 4.01.2011, supplemented, SG No. 52/2013, effective 14.06.2013, SG No. 70/2013, effective 9.08.2013) Upon termination of office, individuals under paragraph 1, item 1, the judges in the Constitutional Court, the ministers or deputy ministers, the head or deputy head of the National Security State Agency, the members of the National Special Intelligence Means Control Bureau, who have filed a request with the Supreme Judicial Council within 14 days of the date of their relief from office, shall be reinstated to the position previously occupied in judicial system bodies, the time spent in discharging the respective office counting toward their service record under Article 164, paragraph 1-7.

**137) Can public prosecutors combine their work with any of the following other functions ?**

	With remuneration	Without remuneration
Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	No	No
Consultant	No	No
Cultural function	No	No
Political function	No	No
Other function	No	No

**138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:**

See the answer to question 136

**139) Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time)?**

- Yes  
 No

If yes, please specify the conditions and possibly the amounts:

**5. 4. Disciplinary procedures****5. 4. 1. Disciplinary procedures**

**140) Who has been authorised to initiate disciplinary proceedings against judges (multiple options possible)?**

- Citizens
- Relevant Court or hierarchical superior
- High Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power
- Other
- This is not possible

If "executive power" and/or "other", please specify:

Proposal for imposing disciplinary sanction can be made by:

- the relevant administrative head;
- any superior administrative head; /others/
- Inspectorate to the SJC;/others/
- not less than one fifth of the members of the SJC;
- the Minister of Justice /executive power/

**141) Who has been authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):**

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power
- Other
- This is not possible

If "executive power" and/or "other", please specify:

Proposal for imposing disciplinary sanction can be made by:

- the relevant administrative head;
- any superior administrative head; /others/
- Inspectorate to the SJC;/others/
- not less than one fifth of the members of the SJC;
- the Minister of Justice /executive power/

**142) Which authority has disciplinary power on judges? (multiple options possible):**

- Court
- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power
- Other

If "executive power" and/or "other", please specify:

Disciplinary sanction shall be imposed by:

- the Supreme Judicial Council
- the relevant administrative head /others/

**143) Which authority has the disciplinary power on public prosecutors? (multiple options possible):**

- Supreme Court
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power
- Other

If "executive power" and/or "other", please specify:

Disciplinary sanction shall be imposed by:

- the Supreme Judicial Council;
- the relevant administrative head;
- the Prosecutor General in his capacity of administrative head

**144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.**

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

	Judges	Public prosecutors
Total number (1+2+3+4)	8	3
1. Breach of professional ethics	2	3
2. Professional inadequacy	NAP	NAP
3. Criminal offence	NAP	NAP
4. Other	6	0

Comment :

Other – “consistent non-observance of the deadlines, provided for in the procedural laws”, action or inaction, which unduly delays the proceedings”, action or inaction, which undermines the prestige of the judiciary”, “non-observance of the official duties”.

**145) Number of sanctions pronounced in 2012 against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

	Judges	Public prosecutors
Total number (total 1 to 9)	16	6
1. Reprimand	NA	NA
2. Suspension	0	3
3. Removal of cases	0	0
4. Fine	0	0
5. Temporary reduction of salary	2	2
6. Position downgrade	0	0
7. Transfer to another geographical (court) location	0	0
8. Resignation	2	1
9. Other	12	3

Comment :

Other – disciplinary sanctions “remark” and “reprimand”.

The temporary suspension from office (temporary suspension of functions) is not a disciplinary sanction, and for that reason their number was not included in the total number of imposed sanctions to prosecutors.

The difference between the number of the initiated disciplinary proceedings in 2012 and the number of the imposed disciplinary sanctions is due to the fact that part of the imposed sanctions are under proceedings, initiated during preceding reporting period or are imposed by order of the administrative head.

**E.3 You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning disciplinary procedures for judges and public prosecutors and the main reforms that have been implemented over the last two years

**Please indicate the sources for answering questions 144 and 145**

Supreme Judicial Council - Registry of the Committee on disciplinary proceedings, protocols of sessions of the SJC, summary report of the Committee on disciplinary proceedings regarding the initiated disciplinary proceedings against magistrates and the imposed sanctions for the period 01 January 2012 – 31 January 2012 , monthly reports of the Committee on disciplinary proceedings.

## 6. Lawyers

### 6. 1. Status of the profession and training

#### 6. 1. 1. Status of the profession and training

**146) Total number of lawyers practising in your country.**

12010

**147) Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?**

- Yes  
 No

**148) Number of legal advisors who cannot represent their clients in court:**

NAP

**149) Do lawyers have a monopoly on legal representation in (multiple options are possible):**

- Civil cases?  
 Criminal cases - Defendant?  
 Criminal cases - Victim?  
 Administrative cases?  
 There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a trade union, etc) and for which types of cases:

Parents, children, spouse - in any litigation;

Syndicates - in cases on labor matters;

Legal advisers (appointed by labour contracts or under business relationships) - an opportunity for representation of all legal entities having such employees.

**150) Is the lawyer profession organised through? (multiple options possible)**

- a national bar?  
 a regional bar?  
 a local bar?

**151) Is there a specific initial training and/or examination to enter the profession of lawyer?**

- Yes  
 No

If not, please indicate if there are other specific requirements as regards diplomas or university degrees :

**152) Is there a mandatory general system for lawyers requiring in-service professional training?**

- Yes  
 No

**153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?**

- Yes  
 No

If yes, please specify:

**Please indicate the sources for answering questions 146 and 148:**

Supreme Bar Council and Bulgaria State gazette

**F1 Comments for interpreting the data mentioned in this chapter:**

**6. 2. Practising the profession**

**6. 2. 1. Practising the profession**

**154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?**

Yes

No

**155) Are lawyers' fees freely negotiated?**

Yes

No

**156) Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?**

Yes laws provide rules

Yes standards of the bar association provide rules

No, neither laws nor bar association standards provide rules

**F2 Useful comments for interpreting the data mentioned in this chapter:**

In the case of free negotiation, there cannot be a remuneration lower than the regulatory minimum, as set out in the Ordinance of the Supreme Bar Council.

**6. 3. Quality standards and disciplinary proceedings**

**6. 3. 1. Quality standards and disciplinary proceedings**

**157) Have quality standards been determined for lawyers?**

Yes

No

If yes, what are the quality criteria used?

**158) If yes, who is responsible for formulating these quality standards:**

the bar association?

the Parliament?

other?

If "other", please specify:

**159) Is it possible to file a complaint about :**

the performance of lawyers?

the amount of fees?

Please specify:

Bar councils are entrusted with receiving and addressing the complaint, mediate for the purpose of resolving disputes between attorneys-at-law and clients and institute and maintain disciplinary charges against association members.

**160) Which authority is responsible for disciplinary procedures?**

the judge

the Ministry of justice

a professional authority

other

If other, please specify:

**161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.**  
-----

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

	Number
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	259
1. Breach of professional ethics	NA
2. Professional inadequacy	NA
3. Criminal offence	NA
4. Other	NA

Comment :

**162) Sanctions pronounced against lawyers.**  
-----

**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

	Number
Total number of sanctions (1 + 2 + 3 + 4 + 5)	NA
1. Reprimand	NA
2. Suspension	NA
3. Removal	NAP
4. Fine	NA
5. Other (e.g. disbarment)	NA

Comment :

**F3 You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

Detailed data concerning questions 161 and 162 are available in each of the local bar associations.

## 7. Alternative Dispute Resolution

### 7. 1. Mediation and other forms of ADR

#### 7. 1. 1. Mediation and other forms of ADR

**163) Does the judicial system provide for judicial mediation procedures? If no skip to question 168**  
 -----

**Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).**

- Yes
- No

**163.1) In some fields, does the judicial system provide for mandatory mediation procedures?**  
 -----

**If there are mandatory mediation procedures, please specify which fields are concerned in the "comment" box below.**

- Before going to court
- Ordered by a judge in the course of a judicial proceeding

If there are mandatory mediation procedures, please specify which fields are concerned:

**164) Please specify, by type of cases, the organisation of judicial mediation:**

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	No	Yes	No	No	No
Family law cases (ex. divorce)	No	Yes	No	No	No
Administrative cases	No	Yes	No	No	No
Employment dismissals	No	Yes	No	No	No
Criminal cases	No	No	No	No	No

**165) Is there a possibility to receive legal aid for judicial mediation procedures?**

- Yes
- No

If yes, please specify:

**166) Number of accredited or registered mediators who practice judicial mediation:**

NA

**167) Number of judicial mediation procedures.**  
 -----

**Please indicate the source in the "comment" box below:**

- Total number of cases (total 1+2+3+4+5) NA
- 1. civil cases NA
- 2. family cases NA
- 3. administrative cases NA
- 4. employment dismissals cases NA
- 5. criminal cases NAP

Comment :

**168) Does the legal system provide for the following ADR :**

If "other", please specify it in the "comment" box below:

Mediation other than judicial mediation?	Yes
Arbitration?	Yes
Conciliation?	No
Other alternative dispute resolution?	No

Comment :

**G.1 You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

Q 166 - Number of registered mediators is 1198 up to 2013 but there is no differentiation between mediators who practice judicial mediation and others. Mediation - Bulgaria has its own legislation in the field of mediation. In compliance with the Law on mediation, the Minister of Justice issued an Ordinance № 2 dated 15.03.2007 on the Conditions and Order for the Approval of the Organizations for Mediators Training; Requirements for Mediators Training; Order for Registration and Deletion of Mediators from the Uniform Register of Mediators and Procedural and Ethical Rules of Mediator Conduct. The Bulgarian Law on mediation envisaged that a subject of mediation may be civil, commercial, labour, family and administrative disputes related to consumer rights, and other disputes between natural and/or legal persons. The Civil Procedure Code includes as well provisions concerning mediation. The court may direct the parties to mediation or another procedure for voluntary resolution of the dispute according to the general procedure for the examination of cases. The same opportunity is also explicitly envisaged for the proceedings on matrimonial cases and for the proceedings on commercial disputes. Arbitration - Civil Procedure Code - The parties to a property dispute may agree that the said dispute be settled by an arbitration court, unless the said dispute has as its subject matter any rights in rem or possession of a corporeal immovable, maintenance obligations or rights under an employment relationship. The arbitration may have a seat abroad if one of the party has his, her or its habitual residence, registered office according to the basic instrument thereof or place of the actual management thereof abroad (Article 19). Law on International Commercial Arbitration – The Law on International Commercial Arbitration apply to international commercial arbitration, based on an arbitration agreement when the place of arbitration is on the territory of the Republic of Bulgaria. The International commercial arbitration allows civil property disputes resulting from foreign economic relations as well as disputes for filling in the gaps in a contract or its adaptation to changed circumstances, if the domicile or the seat of at least one of the parties is not in the Republic of Bulgaria.

**Please indicate the source for answering question 166:**

Ministry of Justice

## 8. Enforcement of court decisions

### 8. 1. Execution of decisions in civil matters

#### 8. 1. 1. Functioning

#### 169) Do you have enforcement agents in your judicial system?

- Yes  
 No

#### 170) Number of enforcement agents

374

#### 171) Are enforcement agents (multiple options are possible):

- judges?  
 bailiffs practising as private professionals under the authority (control) of public authorities?  
 bailiff working in a public institution?  
 other enforcement agents?

Please specify their status and powers:

Status of state enforcement agents are dealt with in Chapter Twelve of the Law on the Judiciary. There are state enforcement agents at the regional courts. They carry out enforcement on private possessions. The state may also assign to them the collection of public takings in cases determined by law. The number of state enforcement agents is determined by the Minister of Justice. In regional courts, where there is no public enforcement agent, the functions of the state enforcement agent are carried out by a regional judge, designated by the chairman of the court and of which the the Minister of Justice is duly notified. States that state enforcement agents are appointed by the Minister of Justice after a competition. The Minister of Justice may also schedule a competition on the proposal of the chairman of the regional court.

Status of private enforcement agents is defined in the Law on Private Enforcement Agents. Pursuant to the Law, a private enforcement agent is a person to whom the state entrusts the enforcement of private possessions. The State may also entrust the collection of public receivables to the private enforcement agent. Authorities competent to establish public claims may entrust their collection to one or more private enforcement agents. The area of operation of a private enforcement agent covers the area of the respective regional court.

Detailed information about the enforcement procedure and the powers of bailiffs are envisaged in the Part Fifth of the Code of Civil Procedure.

#### 172) Is there a specific initial training or examination to become an enforcement agent?

- Yes  
 No

#### 173) Is the profession of enforcement agents organised by?

- a national body?  
 a regional body?  
 a local body?  
 NAP (the profession is not organised)

#### 174) Are enforcement fees easily established and transparent for the court users?

- Yes  
 No

**175) Are enforcement fees freely negotiated?**

- Yes  
 No

**176) Do laws provide any rules on enforcement fees (including those freely negotiated)?**

- Yes  
 No

**Please indicate the source for answering question 170:**

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

**8. 1. 2. Efficiency of enforcement services****177) Is there a body entrusted with supervising and monitoring the enforcement agents' activity?**

- Yes  
 No

**178) Which authority is responsible for supervising and monitoring enforcement agents?**

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

If other, please specify:

**179) Have quality standards been determined for enforcement agents?**

- Yes  
 No

If yes, what are the quality criteria used?

Private Enforcement Agents - Code of Ethics of Private Enforcement Agents, adopted by the General Assembly of the Chamber of Private Enforcement Agents.

**180) If yes, who is responsible for establishing these quality standards?**

- a professional body  
 the judge  
 the Ministry of Justice  
 other

If "other", please specify:

**181) Is there a specific mechanism for executing court decisions rendered against public authorities, including for supervising such execution?**

- Yes  
 No

if yes, please specify

According to the Civil Procedure Code enforcement of pecuniary receivables against government institutions is inadmissible. The pecuniary receivables against government institutions shall be paid out of the budgetary spending authority of the said institutions provided for this purpose. To this end, the writ of execution shall be presented to the financial authority of the relevant institution. If spending authority is not available, the superior institution shall undertake the measures necessary for a provision for such authority in the next succeeding budget at the latest. Enforcement against any resources on the bank accounts of the establishments subsidized by the budget, which have accrued as a subsidy from the state budget, shall be inadmissible. No enforcement shall be allowed in respect of European Union funds or other international programmes and contracts of municipalities. Enforcement of pecuniary receivables against any other property which is privately owned by the last execution creditors follows the general rules.

**182) Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?**

- Yes  
 No

If yes, please specify

For state enforcement agents - Performed by the Inspectorate of the Minister of Justice on the Law on the Judiciary that inspects the activities of public and private bailiffs, including the activity of the institution, progress and completion of enforcement cases, summarize and analyze practice in these cases.

For private enforcement agents - Performed by the Inspectorate of the Minister of Justice on the Law on the Judiciary and financial inspectors within the Ministry of Justice, and by the Council of the Chamber of Private Enforcement Agents.  
Private enforcement agents provide the Ministry of Justice with 6-month and annual reports on their activities. Reporting requirements are determined with an ordinance of the Minister of Justice.

The Ministry of Justice builds, maintains and develops the information system of judicial enforcement. MJ collect fees for use of this system in an amount determined by a tariff, approved by the Council of Ministers. Access to the system through official channels of public authorities, organs of local government and local administration and persons entrusted with the exercise of public functions, is free.

**183) What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.**

- no execution at all  
 non execution of court decisions against public authorities  
 lack of information  
 excessive length  
 unlawful practices  
 insufficient supervision  
 excessive cost  
 other

If "other", please specify:

**184) Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?**

- Yes  
 No

If yes, please specify:

According to the Civil Procedure Code enforcement of pecuniary receivables against government institutions is inadmissible. The pecuniary receivables against government institutions shall be paid out of the budgetary spending authority of the said institutions provided for this purpose. To this end, the writ of execution shall be presented to the financial authority of the relevant institution. If spending authority is not available, the superior institution shall undertake the measures necessary for a provision for such authority in the next succeeding budget at the latest. Enforcement against any resources on the bank accounts of the establishments subsidized by the budget, which have accrued as a subsidy from the state budget, shall be inadmissible. No enforcement shall be allowed in respect of European Union funds or other international programmes and contracts of municipalities. Enforcement of pecuniary receivables against any other property which is privately owned by the last execution creditors follows the general rules.

**185) Is there a system measuring the length of enforcement procedures:**

- for civil cases?  
 for administrative cases?

**186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits:**

- between 1 and 5 days  
 between 6 and 10 days  
 between 11 and 30 days  
 more

If more, please specify

**187) Number of disciplinary proceedings initiated against enforcement agents. If other, please specify it in the "comment" box below.**

-----  
**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

Total number of initiated disciplinary proceedings (1+2+3+4)	<input checked="" type="checkbox"/> number:	19
1. for breach of professional ethics		NA
2. for professional inadequacy		NA
3. for criminal offence		NA
4. Other	<input checked="" type="checkbox"/> number:	19

Comment :

Violation of the national legislative acts and the Statute of the Chamber of private enforcement agents.

19 initiated disciplinary proceedings - 16 disciplinary proceedings are initiated under the Law on Private Enforcement Agents and 3 are initiated under the Law on the Judiciary.

**188) Number of sanctions pronounced against enforcement agents.**

**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings initiated and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

Total number of sanctions (1+2+3+4+5)	<input checked="" type="checkbox"/> number:	14
1. Reprimand		NA
2. Suspension	<input checked="" type="checkbox"/> number:	2
3. Dismissal		NA
4. Fine	<input checked="" type="checkbox"/> number:	8
5. Other	<input checked="" type="checkbox"/> number:	4

Comment :

Other:

- warning of suspension - 1

- Remark - 2

- warning of dismissal - 1

#### H.1 You can indicate below:

**any useful comments for interpreting the data mentioned in this chapter  
the characteristics of your enforcement system of decisions in civil matters and the  
main reforms that have been implemented over the last two years**

Q170 - In Bulgaria have 374 enforcement agents: 218 state enforcement agents and 156 private enforcement agents.

#### Please indicate the sources for answering questions 186, 187 and 188:

Inspectorate of the Minister of Justice on the Law on the Judiciary and the Chamber of Private Enforcement Agents

## 8. 2. Execution of decisions in criminal matters

### 8. 2. 1. Functioning

#### 189) Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority

Please specify his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

Art. 5 of the Law on execution of penalties and detention in custody – (1) The Prosecution office shall supervise the observance of law in execution of penalties according to the Law on Judiciary.

(2) The prosecutor has the right to get acquainted with the entire activity on execution of the sanctions and to make proposals for its improvement.

(3) The bodies responsible for the execution of sanctions are obliged to fully co-operate the prosecutor in completing the activity in art. 1 and 2 to submit all the necessary materials and to give the required information and clarification.

#### 190) Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

- Yes
- No

#### 191) If yes, what is the recovery rate?

- 80-100%
- 50-79%
- less than 50%
- cannot be estimated

Please indicate the source for answering this question:

#### H.2 You can indicate below:

**any useful comments for interpreting the data mentioned in this chapter  
the characteristics of your enforcement system of decisions in criminal matters and the main reforms  
that have been implemented over the last two years**

## 9. Notaries

### 9. 1. Statute

#### 9. 1. 1. Functionning

**192) Do you have notaries in your country? If no please skip to question 197.**

- Yes  
 No

**193) Are notaries:**

-----

**If other, please specify it in the "comment" box below.**

private professionals (without control from public authorities)?		NAP
private professionals under the authority (control) of public authorities?		NAP
public agents?		NAP
other?	<input checked="" type="checkbox"/> number	615

Comment :

Notaries are private. They are entrusted by the State with the performance of the notarial acts as provided for in the laws. Notaries are independent in the performance of their duties and comply solely with the law. The Minister of Justice exercise control over the practice of each notary as to implementation of the law and the Statute of the Notary Chamber of Bulgaria. The Council of Notaries also has the power to monitor compliance with the obligations of the notaries and the assistant notaries, and may take part through its representatives in disciplinary proceedings against such notaries and assistants in the prescribed cases.

In 2011 there are 647 open positions for notaries but actually occupied positions are 619.

**194) Do notaries have duties (multiple options possible):**

- within the framework of civil procedure?  
 in the field of legal advice?  
 to certify the authenticity of legal deeds and certificates?  
 other?

If "other", please specify:

Issues relating to the powers of notaries are regulated by the Notaries and Notarial Practice Act. Notary shall be independent in performing its functions subject to the law only. If assigned by the parties, the notary may, in connection with the notary proceedings to prepare and to review draft documents, give verbal and written advice to mediate, to clarify the will of the parties, make inquiries, to provide documents and/or other and to be executor or administrator of the estate.

#### 9. 1. 2. Supervision

**195) Is there an authority entrusted with supervising and monitoring the notaries' activity?**

- Yes  
 No

**196) Which authority is responsible for supervising and monitoring notaries:**

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

If other, please specify:

**I.1 You can indicate below:**

**any useful comments for interpreting the data mentioned in this chapter  
the characteristics of your system of notaries and the main reforms that have been implemented over  
the last two years**

According to the Notaries and Notarial Practice Act the Minister of Justice exercises control over the practice of each notary as to implementation of the law and the Statute of the Notary Chamber of Bulgaria.

The Minister of Justice assigns joint inspections to the inspectors of the Inspectorate with the Minister of Justice under the the Law on Judidciary and to notary Inspector the task of the conduct of joint verifications over the activities of a certain notary (notaries).

**Please indicate the sources for answering question 193:**

Notary Chamber of the Republic of Bulgaria and Inspectorate of the Minister of Justice under the Law on the Judidciary.

## 10. Court interpreters

### 10. 1. Court interpreters

#### 10. 1. 1. Functioning

**197) Is the title of court interpreters protected?**

Yes

No

**198) Is the function of court interpreters regulated by legal norms?**

Yes

No

**199) Number of accredited or registered court interpreters:**

NAP

**200) Are there binding provisions regarding the quality of court interpretation within judicial proceedings?**

Yes

No

If yes, please specify (e.g. having passed a specific exam):

**201) Are the courts responsible for selecting court interpreters?**

-----

**If no, please indicate in the "comment" box below which authority selects court interpreters.**

Yes  for recruitment and/or appointment for a specific term of office

Yes  for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No .

Comment :

**J.1 You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

**Please indicate the sources for answering question 199:**

Supreme Judicial Council

## 11. Judicial experts

### 11. 1. Judicial experts

#### 11. 1. 1. Judicial experts

**202) In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):**

- "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation,  
 "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal,  
 "law experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).

**203) Is the title of judicial experts protected?**

- Yes  
 No

**204) Is the function of judicial experts regulated by legal norms?**

- Yes  
 No

**205) Number of accredited or registered judicial experts (technical experts)**

NA

**206) Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?**

- Yes  
 No

If yes, please specify, in particular the given time to provide a technical report to the judge:

Art. 197 of the Civil Procedure Code – (1) An expert witness shall be appointed either on a motion by a party or ex officio where special knowledge in the field of science, art, skilled crafts and other such is necessary for clarification of certain questions which have arisen in the case.

(2) The court may appoint multiple expert witnesses as well, where this is necessitated considering the circumstances of the case.

Чл. 149. of the Criminal Procedure Code

(1) The expert witness shall be obligated to appear before the respective body where summonsed and to submit a conclusion on the issues of expert assessment.

(2) An expert may refuse to submit a conclusion only where the questions asked fall beyond the framework of his/her specialty or where the available materials are not sufficient for him/her to form an informed view on the matters at stake.

(3) (Amended, SG No. 32/2010, effective 28.05.2010) The expert witness shall submit his/her conclusion at pre-trial proceedings within the time limit set by the authority in charge of pre-trial proceedings, whereas during court proceedings - no later than seven days from the date of the court hearing.

(4) The expert witness shall submit his/her conclusion in court with copies for the parties.

(5) (Amended, SG No. 32/2010, effective 28.05.2010) For failure to appear or refusal to submit a report without valid reasons, the expert shall be punished by fine of up to BGN five hundred. If the expert witness indicates valid reasons for his/her failure to appear, the fine shall be withdrawn.

(6) An expert who is outside the territory of the country may be interrogated through a video or phone conference, where so required in view of the circumstances of the case.

**207) Are the courts responsible for selecting judicial experts?**

-----

**If no, please specify in the "comments" box below which authority selects judicial experts?**

Yes  for recruitment and/or appointment for a specific term of office

Yes  for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No .

Comment :

**You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

**Please indicate the sources for answering question 205:**

Supreme Judicial Council

## 12. Foreseen reforms

### 12. 1. Foreseen reforms

#### 12. 1. 1. Foreseen reforms

**208) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. If possible, please observe the following categories:**

**1. (Comprehensive) reform plans**

**2. Budget**

**3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)**

**3.1 Access to justice and legal aid**

**4. High Judicial Council**

**5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.**

**6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities**

**6.1 Personal status**

**7. Enforcement of court decisions**

**8. Mediation and other ADR**

**9. Fight against crim**

- Overcoming of the uneven workload in the bodies of the judiciary;
  - Making preparations for introducing a mechanism for objectively measuring the workload of the magistrates and the bodies of the judiciary with an emphasis on the qualitative indicators;
  - Creating and implementing a mid-term strategy for the human resources;
  - Reorganizing the bodies for the judiciary – remaking the judicial map, including changes in the number and the borders of Judicial regions. A change in the structure of the military justice has started with a decision for closing two military courts and the relevant prosecutor's offices.
- Improving and accelerating the work on conducting competitions for appointment of magistrates;
- Improving the criteria and the indicators for assessment and accelerating the process of assessment of magistrates;
  - Updating the measures for prevention of corruption and conflict of interest in the bodies of the judiciary, including the improvement of the accountability, the mechanism of the random allocation of cases and case files in the bodies of the judiciary; the role of the ethical behavior of the magistrates in their career development and etc.
  - Standardizing the disciplinary practice of the SJC;
  - Approving the publicity and the transparency in the work of the SJC and effective interaction with the professional organizations of the magistrates and the NGOs, working for the support of the judicial reform;
  - Introducing the e –justice – in this relation the SJC has approved the Concept on e-Justice elaborated by the Ministry of Justice. A Project proposal entitled "E-justice – studying and building of a uniform communication and information infrastructure and uniform electronic portal of the judiciary" under Operational Program "Administrative Capacity" was submitted and approved;

The Supreme Judicial Council has proposed a legislative amendment to the Law on Judiciary, which shall regulate the use of the transitional balance to the budget of the judiciary.

At the moment the SJC is a beneficiary of a Project "Introducing modern, reliable and effective procedures for planning and implementation of the budget of the judiciary".

In relation to the forthcoming discussion on the Law amending and supplementing the Law on Judiciary and with a purpose of achieving the abovementioned reforms, the Supreme Judicial Council has made some proposals for amendment of the provisions, regarding the competitions for appointment in the bodies of the judiciary, the rules for assessment of the magistrates, the disciplinary responsibility of the magistrates.