
BALKAN NETWORK TEMPLATE

Bulgaria

Official name in original language	Висш съдебен съвет
Official name in English	Supreme Judicial Council
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Telephone number	(+359 2) 930 49 42
Website	http://www.vss.justice.bg/
e-mail	vss@vss.justice.bg ;
Brief history (300-400 character)	<p>Supreme Judicial Council (SJC) is founded with the enactment of the Constitution of the Republic of Bulgaria (Article 130 – 133) in 1991. The Supreme Judicial Council Act determines for the first time the organization and activities of the council and in accordance with it the first members' college was created on September 27th, 1991. According to the Judiciary System Act, published in the State Newspaper, issue 64/2007, the Supreme Judicial Council is a permanent acting body, which represents the judicial power and secures its independence, determines its personnel and the work organization of the judicial system, and manages its activities without interfering with the independence of its bodies. The activity of the SJC shall be implemented on the principles of lawfulness, solidarity, responsibility, publicity, openness and political neutrality. The Supreme Judicial Council shall be a legal entity with headquarters in Sofia. It shall be represented by one of its elected members, designated by a decision of the SJC.</p>
Legal acts regulating the Status of the Organization	<p>-Constitution of the Republic of Bulgaria, Chapter Six JUDICIARY (Article 129, Article 130, Article 130a, Article 130b, Article 130c, Article 131, Article 132a, Article 133); -Judiciary System Act; -Regulation On the Organization of the Work of the Supreme Judicial Council and its Administration</p>
Composition (Generally)	<p>1. Total number of members: 25 Members of the Supreme Judicial Council by right shall be the Chairman of the Supreme Court of Cassation, the Chairman of the Supreme Administrative Court and the Prosecutor General. Eleven of the members of the SJC shall be elected by the National Assembly and eleven - by the bodies of the judiciary.</p> <p>2. Term of office of the members The mandate of the elected members shall be five years. The mandate</p>

BALKAN NETWORK TEMPLATE

of the members by right (the Chairman of the Supreme Court of Cassation, the Chairman of the Supreme Administrative Court and the Prosecutor General) shall be seven years.

3. **Election process:** The National Assembly shall elect members of the Supreme Judicial Council not later than one month before the expiry of the mandate of the elected members. Proposals for candidates for elected members of the Supreme Judicial Council shall be considered by the specialized standing committee of the National Assembly. Judicial bodies elect members of the Supreme Judicial Council not later than one month before the expiry of the mandate of the elected members. The choice of a Supreme Judicial Council from the judges' quota and the quota of prosecutors held separate general delegate meetings of judges and prosecutors at the representation of one delegate for 5 people. In residue less than 5 people, no delegate is elected.

4. **Is there a possibility to be renewed as a member?**
They cannot be reelected immediately after the expiry of the mandate period.

5. **Do the members have a full-time position or not?**
Yes

Is there a majority of Judges?

Yes (14 judges from 25 members)

Presidency (Generally)

Yes (14 judges from 25 members)

Role of the Presidency

Main powers of the person, representing the Supreme Judicial Council: Represent the SJC before the institutions in the country and in international forums and institutions; Convene sessions of the SJC, when the chairperson is absent; Preside the sessions of the SJC when the Minister of Justice is absent; Inform the public about the activity of the SJC.

Main Competences of the Council:

Discussing and acceptance of the draft budget of the judicial system, and controlling its execution; Appointing, promoting, moving and releasing from duty of magistrates; Imposing disciplinary punishments according to the Judiciary System Act; Organizing magistrates' qualification courses; Determining the number of judicial regions and the headquarters of the courts, the number of judges, prosecutors and investigators with the individual courts, prosecutor offices and investigative offices and other activities specified in the Judiciary System Act.

1. **Career of judges and/or prosecutors:** To the Supreme Judicial Council has been established a Committee on proposals and appraisal

BALKAN NETWORK TEMPLATE

of the judges, prosecutors and investigators. The committee shall propose draft decision to the SJC for: the appointment, promotion in rank or in position and dismissal of judges, prosecutors and investigators; It shall hold the appraisal for acquisition of irremovability status of judges, prosecutors and investigators;

2. **Judicial training:** National Institute of Justice, together with the Committee “Professional qualification, information technologies and statistics” to the Supreme Judicial Council, have the responsibility for organizing the judicial training. The committee shall: determine compulsory qualification courses in cases of promotion of judges, prosecutors and investigators and appointment of administrative heads; organise the preparation and the conducting of scientific – practical events for separate problems of the work of SJC; discuss actual problematic issues of the activity of the National Institute of Justice, related to improvement of the didactics of the training process and applying the contemporary modern technologies in training; organise the scientific development of issues, connected with the activity of SJC;

3. **Discipline:** The Committee on Disciplinary proceedings facilitates the SJC activity as it shall: examine the files and the orders of the administrative heads for imposing disciplinary sanctions “reprimand “ and “reproach” to judges, prosecutors and investigators; submit proposals to the SJC for confirmation, repeal or amendment of the sanctions under p. 1; carry out eligibility check of the proposals for imposing disciplinary sanctions; summarize the results of the disciplinary proceedings and report them to the SJC; timely approach the bodies under Art. 311 LJ for information for disciplinary infringements of judges, prosecutors and investigators; make proposal to the SJC to assign to the Inspectorate to the SJC the performance of checks in case of information for disciplinary infringements;

4. **Ethics:** The SJC activity is facilitated by Committee “Professional ethics and prevention of corruption”. The Committee operates in implementing the Code of Ethics for the behaviour of the Bulgarian magistrates and prepares proposals for its periodic update;

5. **Opinions on legislation/other opinions:** The SJC activity is facilitated by The Committee on Legal Affairs, which shall: prepare opinions on draft laws and normative acts of the Council of Ministers and other central bodies of the executive power, which refer to the judicial system; prepare draft report for the work of the SJC and the Inspectorate to the SJC as well as opinions on the reports submitted by the Supreme Court of Cassation, by the Supreme Administrative Court and the Prosecutor General; prepare opinions on cases before the Constitutional Court, to which the SJC is a party; prepare statements on court procedures of particular public interests, in which SJC participates;

BALKAN NETWORK TEMPLATE

6. Others:

Status of decisions (Opinion, authorization, recommendation, decision)

Supreme Judicial Council sessions shall be held if more than half of its members attend. Decisions are adopted by a majority of more than half of the attending members of the Supreme Judicial Council by open voting, except when the Constitution requires otherwise. SJC sessions are public, except when discussing documents classified under the Protection of Classified information or proposals for disciplinary punishment. Decisions adopted at a closed session shall be announced publicly.

Supervision (Transparency)

1. Over the Council: The Supreme Judicial Council is a permanent body which represents the judiciary and ensures its independence. It determines the composition and organization of the judiciary and manage its activities, without affecting the independence of its bodies.

2. Over the decisions: The Supreme Judicial Council decisions may be appealed before the Supreme Administrative Court within 7 days of notification. To the SJC is created Civic Council, which was formed in order to ensure open and effective participation of civil society and professional organizations in the formulation of strategies for reforms in the judiciary, and to ensure objectivity in their monitoring. Thus the Supreme Judicial Council demonstrates the volition to develop sustainable mechanisms for consultation and cooperation with the civil society involved in the reform of the judiciary in developing policies and assessing their impact.

International relations

1. Global relations: SJC is part of: The European Networks of Councils for the Judiciary (ENCJ); The International Association for Court Administration (IACA);

2. Regional relations: SJC participates in the initiatives of the Balkan and Euro-Mediterranean Network of Councils for the Judiciary (BEMNCJ);

3. Bilateral relations: Supreme Judicial Council is part of: Cooperation agreement between Supreme Judicial Council of the Republic of Bulgaria and Superior Council of Magistracy of Romania; Cooperation agreement between Supreme Judicial Council of the Republic of Bulgaria and the General Council of the Judiciary of Spain; Cooperation agreement between Supreme Judicial Council of the Republic of Bulgaria and Supreme Council of Justice of Ukraine; Cooperation agreement between the Supreme Council of the

BALKAN NETWORK TEMPLATE

Magistracy of the Republic of Moldova and the Supreme Judicial Council of the Republic of Bulgaria; Joint Declaration on mutual support for achieving the objectives provided for by the Cooperation and Verification Mechanism, adopted by the Superior Council of Magistracy of Romania and the Supreme Judicial Council of the Republic of Bulgaria.

Ongoing projects

1. With the European Union: Projects on Operational Programme “Administrative Capacity”

2. Regional: Cooperation within the Balkan and Euro-Mediterranean Network of Councils for the Judiciary

3. Internal:

4. Others: Norwegian Financial Mechanism - Pre-defined project No. 2 “Support to the Supreme Judicial Council related to capacity building and improving the efficiency of the judiciary” within programme area 31 „Judicial capacity-building and cooperation” of the Norwegian Financial Mechanism