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Chapter 24 – Cooperation in the Fields of Justice and Home Affairs

REPUBLIC OF BULGARIA

ADDENDUM TO THE SUPPLEMENTARY INFORMATION CONF-BG 55/02

ON CHAPTER 24

“CO-OPERATION IN THE FIELDS OF JUSTICE AND HOME AFFAIRS”

The Republic of Bulgaria wishes to refer to its Supplementary Information No. CONF-BG 55/02 of 29.10.2002 on Chapter 24 “Co-operation in the Fields of Justice and Home Affairs” and submits to the Conference an Addendum comprising the following documents:

1. Updated Strategy for Reform of the Bulgarian Judiciary, adopted by the Council of Ministers on 3 April 2003
2. Action Plan to the Updated Strategy for Reform of the Bulgarian Judiciary, approved by the Minister of Justice on 10 April 2003.
3. National Anti-Drugs Strategy of the Republic of Bulgaria, adopted by the Council of Ministers on 20 February 2003.
4. Action Plan to the National Anti-Drugs Strategy of the Republic of Bulgaria, adopted by the National Drug Council on 8 April 2003.
5. National Strategy For Counteracting Crime, adopted by the Council of Ministers on 7 November 2002 /Council of Ministers Decision No 726 of 7 November 2002/
6. Action Plan for Implementation of the National Strategy for Counteracting Crime, adopted by the Council of Ministers on 13 February 2003 /Protocol No 7 of Ministers Council meeting of 13 February 2003
7. Report on the implementation of the National Action Plan for the Adoption of the Schengen Acquis, adopted by the Council of Ministers on 6 March 2003
8. National Action Plan for the Adoption of the Schengen Acquis – Update for 2003, adopted by the Council of Ministers on 6 March 2003
9. Council of Ministers Decree N18/ 4.02.2003 on the Establishment of Council coordinating the fight against infringements affecting the financial interests of the European Communities – 4 February 2003

UPDATED STRATEGY FOR REFORM OF THE BULGARIAN JUDICIARY

The democratic changes in the Republic of Bulgaria after 1989 were basically regulated by law with the adoption of the new *Constitution* in 1991.

The judicial reform regulated by the *Constitution* comprises a unity of structural and functional changes, in which the new organization of the judiciary is expressed. (*Law on the Judiciary (LJ)*, published SG, N 59/1994)

After the adoption of the *Law on the judiciary* in 1994 was created the legal base for structural changes of the judiciary. New courts were established: the *Courts of Appeal*, the *Supreme Cassation Court* and the *Supreme Administrative Court*.

After the amendments of the *Criminal Procedure Code* and of the *Civil Procedure Code* in 1998 three instance jurisdiction was introduced: the first instance procedure, the appeal procedure and the cassation procedure.

Considering the provisions of the *Constitution*, it is possible to affirm that the reform of the judiciary has already been completed.

At the same time, the social-political changes reflect in continuous amendments of the legislation. The functioning of the judiciary was affected by the legislative acts, intended to directly reform the jurisdiction, and the legislative amendments, which are applied by the judicial authorities, as well as by the current general processes in the Bulgarian society.

The international monitoring of the judiciary found many problems, and the most important among which are:

1. The human resources – magistrates and administrative staff
2. The training of magistrates and administration staff;
3. The coordination concerning the management of the judiciary on central level and distinction of the functions of the *Supreme Judicial Council (SJC)* and the *Ministry of Justice (MJ)*;
4. The computerization and introduction of compatible software;
5. The drafting and management of the budget for the judiciary;
6. The public relations and contacts with the legislative power;
7. The premises

The European Council in Copenhagen decided that the European Union membership requires that the candidate country should have established stability of the institutions guaranteeing democracy, rule of law, protection of the human rights and the minorities.

The future EU membership requires finalization of the judiciary reform. It is necessary to ensure the capacity in order to fulfill the membership commitments, and to provide the necessary base for the inevitable future increase of the number of cases, related to the application of the *acquis*.

The strengthening of the judiciary is particularly important in order to adopt the EU legislation during the transition period. It is necessary to continue the strengthening of the independence and effectiveness of the judiciary. The acceleration of the reform will provide full protection of the principles of the rule of law and the effective application of the European legislation.

MAIN OBJECTIVE

The strategy main objective is to develop the European standards in jurisdiction, by defining the political and legislative priorities of the judiciary reform, that will contribute for the process of preparation of the Republic of Bulgaria for the European Union membership.

The strategy complies with the requirements and commitments that Bulgaria has accepted in the *National Programme for adoption of the European Union legislation* and the priorities laid down in the *Accession Partnership Programme*.

The strategy is set for a **five-year period** including three stages: short-term priorities, medium-term priorities and long-term priorities.

The strategy subject is to define and confirm the directions for development of the judiciary in its last stage, concerning the accession process of Bulgaria to the European Union and the introduction of the legislative amendments in compliance with the fundamental principles in particular:

- 1. The principles of the rule of law and the establishment of the supremacy of law.**
- 2. The principles of division of powers and guaranty independence of the judiciary.**
- 3. A maximum degree of protection of the rights and interests of citizens and society and provision of equal access to justice.**
- 4. Establishment of the European standards in jurisdiction and the international legal cooperation.**

The changes comply with the reforms of the European Union and in particular with the proposals of the *European Court of Justice* related to the future development of the European judicial system, and with the issues related to the policies in the area of justice and internal affairs.

UPDATED PRIORITOTIES

According to Decision N 672 of 1 October 2001 the Council of Ministers of the Republic of Bulgaria adopted a "Strategy for reform of the Bulgarian Judiciary" after coordination with the Supreme Judicial Council (SJC) and the relevant judiciary authorities. The Strategy objective is to provide a full protection of the principles of the rule of law, and the supremacy of law, and effective implementation of the *acquis*.

In March 2002 a Programme for implementation of the Strategy for Reform of the Bulgarian Judiciary" (Action Plan) was adopted. Both documents cover a five year period, they have been divided into equal sub -goals, each of them comprising a set of short-term priorities – 2002, medium term priorities – 2003-2004, and long term priorities – 2005-2006. The present updating defines the period - 2003-2006, comprising short-term priorities – 2003, medium term – 2004, and long term – 2006.

To ensure better coordination between the different institutions and the judiciary units, a functional unit for monitoring of the implementation of the Strategy and the Action Plan was set up within the Ministry of Justice, as the thorough activity of this unit is performed in close cooperation with the Supreme Judicial Council.

The implementation of the objectives laid down in the Strategy, considered with the dynamics of the public-economic relations leads to its present updating. It is performed on

the basis of an analysis of the implementation so far, and takes into consideration the current negative perception of society for the overall judiciary operation.

The critical notes and recommendations of the European Commission in its Regular reports have been taken into consideration; the priorities of the Accession partnership and Bulgaria's Road Map have been taken into account as will within the frames of the dynamics of the relations between the Republic of Bulgaria and the EU.

The need to update the Strategy for Reform of the Bulgarian Judiciary is also a result of the Decision of the Constitutional Court, case N 17/16.12.2002.

The reform of the Judiciary will continue in the following main directions:

1. Actions connected with conducting the reform of the judiciary and guaranteeing its irrevocability
2. Implementation of the European standards in the activity of the judiciary, including the transparency and impartiality principle.
3. Amendment of the Constitution of the Republic of Bulgaria, in particular Chapter VI "Judiciary", in relation to the accession to NATO and the European Union, and to the need in this respect for improvement of the existing legal regulation, including Chapter VI, "Judiciary". The amendments of the basic law in this part must guarantee improvement of the operation, responsibilities, inter-relations among the units of the judiciary; definition of the magistrate immunity; improvement of the mechanism of disciplinary responsibility, under regulated status of irrevocability; improvement of the procedure for election of members of the SJC, clear definition of powers assigned to the SJC, etc.

In this respect a relevant secondary legislation must be adopted – the Law on Judiciary, Rules for the operation of the SJC- in reference to its new powers, etc.

4. Adoption of new procedure laws – The Civil Procedure Code, The Penal Procedure Code and the Administrative Procedure Code. The aim is to achieve quality, speed and effectiveness of the judicial procedures.
5. Improvement of the structure of the judiciary through building up specialized administrative courts, restructuring of the commercial justice, limiting the powers of the investigation in the pre-trial phase of the penal procedure.
6. Harmonization of the Bulgarian legislation with the *acquis* and the best practices of the EU.
7. Adoption of a strategy for implementing of IT system in the judiciary.

SUB-OBJECTIVES

I. Actions connected with conducting the reform of the judiciary and guaranteeing its irrevocability

Short-term priorities

- Drafting a pact guaranteeing the cooperation among the political forces with regard to the judicial reform
- Signing a political agreement
- Establishing a working group on defining the complex problems of the judiciary

Medium-term priorities

- *Drafting an analysis report of the overall problems of the judiciary and proposal for their solution*

Approval and adoption of the analysis by the Parliamentary representatives of the political forces

Signing a “ Pact for reform of the Bulgarian judiciary”.

II. Strengthening of the law enforcement capacity of the judiciary

1.1. Human resources

Short-term priorities

- Elaboration and adoption of uniform criteria for selection and appointment of magistrates
- Elaboration of criteria in order to organize competitions for the duties of judge, prosecutor and examining magistrate
- Elaboration and introduction of a preliminary evaluation in order to establish the irremovability status of magistrates
- Elaboration and adoption of a magistrates’ *Code of Ethics* and rules in order to its enforcement
- Improvement of criteria and a procedure for verification, undertaking of disciplinary measures, appeals

Medium-term priorities

- Elaboration of criteria in order to evaluate the load of work of the magistrates
- Introduction of the competition principle for the duty of magistrate
- Elaboration and adoption of evaluation criteria in the area of promotion and reduction of the magistrates in rank and duty
- Adoption of encouragement criteria and procedure
- Introduction of the « term of office principle » for executive duties in the judiciary

Long-term priorities

- Confirmation of the competition principle and of internal criteria in order to appoint magistrates
- Confirmation of evaluation criteria for the magistrates’ work, concerning the promotion and the reduction in duty, intended to guarantee the exact and impartial estimate for their career planning

1.2. Strengthening of the professional qualification of judiciary authorities

Short-term priorities

- Introduction of compulsory training for new magistrates
- Development of further qualification programmes in order to train magistrates

Medium-term priorities

- Introduction of compulsory further qualification of magistrates
- Elaboration of a training system for magistrates in the areas of international acts and European Union law

Long-term priorities

- Introduction of an uniform national system for training and qualification of magistrates
- Enforcement of the European law and European standards in the area of justice

III. Introduction of European standards in the operation of the judiciary – principles of transparency and impartiality

Short-term priorities

- Adoption of a relevant legal regulation, providing transparency in the operation of the judiciary
- Establishing a working group for development of statistic criteria for accountability of the different branches of the judiciary
- Creation of a software for impartial allocation of files and cases in the judiciary

Medium –term priorities

- Introduction of unified forms for accountability of the work of the different units of the judiciary (court, investigation, prosecution)
- Installment of a software for a impartial allocation of files and cases in the judiciary
- Creating a web-site of the SJC for publishing the statistic information of the judiciary and information on the operation of the SJC

Long-term priorities

- Effective application of the system of accountability and control on the operation of the different units of the judiciary
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IV. Improvement of the administrative activity of the judiciary

2.1. Human resources

Short-term priorities

- Introduction of standards for service to citizens
- Adoption of a *Code of Ethics* for administration staff
- Training and qualification of administration staff

Medium-term priorities

- Introduction of the competition principle in order to select and appoint administration staff
- Introduction of the evaluation criteria and procedure for the administration staff work
- Development of job descriptions
- Increase of the number of administration staff
- Preparation of specialized procedure handbooks for administration staff

Long-term priorities

- Introduction of specialized procedure handbooks for administration staff
- Improvement of the effectiveness of judiciary administration by introducing compulsory training programmes
- Introduction of the European standards to the judiciary administration

V. Strengthening of the capacity of the Supreme Judicial Council for performing its functions

Short-term priorities

- Updating of the SCJ Rules of Procedure for the necessary organizational changes
- Elaboration and introduction of a coordination system for information processing

Medium-term priorities

- Development of the capacity of the *Supreme Judicial Council* in order to complete its functions related to the administration of the budget of the judiciary – strategy, budget, management
- Public awareness and transparency of the *Supreme Judicial Council's* activity – creation of a Web page, open meetings, etc.
- Development of the capacity of the *Supreme Judicial Council* in the area of disciplinary procedure, by creating an independent investigation commission on illegal behavior of magistrates while carrying out their duties

VI. Improvement of the structure of the judiciary through building up of specialized administrative courts, restructuring of the commercial justice, limiting the powers of the investigation in the pre-trial phase of the penal procedure

Short-term priorities

- Establishing a working group for defining the regions and number of the specialized administrative courts and for development of proposals for amendments of the legislation
- Establishing a working group for defining the regions and number of the specialized commercial divisions and for development of proposals for amendments of the legislation
- Establishing of specialized investigation units at the Ministry of Interior

Medium-term priorities

- Developing a legal regulation of the specialized administrative courts and defining their jurisdiction
- Adopting of amendments of the legislation in force, connected with establishing specialized commercial divisions, legal definition of the term "commercial transaction", and defining the jurisdiction
- Training and strengthening of the established investigation units at the Ministry of Interior

Long-term priorities

- Adoption of the Administrative Procedure Code
- Building up and strengthening of the specialized administrative courts
- Defining the place and the role of the investigation

VII. Transformation of the Magistrates' training centre into a public institution

Short-term priorities

- Supply of infrastructure and equipment by the *Ministry of Justice* in order to ensure the continuation of the centre's activity
- Legal regulation of the institution's activity
- Introduction of compulsory initial training for all new judges and for judges having less than three years of service
- Continuing education within the framework of specialized programmes /European Union law, Free market economy, Information technologies, New legislation, etc./
- Extension of the institution's activity by introducing training programmes for prosecutors and examining magistrates

Medium-term priorities

- Introduction of compulsory initial training for all new magistrates and magistrates having less than three years of service
- Introduction of a training programme for all magistrates appointed to administrative position or having been transferred to a higher jurisdiction level
- Elaboration and introduction of a compulsory training programme for juridical administration
- Allocation of funds in the Budget to the training of magistrates and administration staff
- Creation and progressive introduction of an uniform system for professional training and qualification of magistrates and administration staff

Long-term priorities

- Continuation of training in European law and establishment of European standards for all magistrates
- Development of specific training programmes according to specific needs

VIII Budgeting of the judiciary

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Short-term priorities

- - Adapting the budget of the judiciary in accordance with the needs

IX. Adoption and implementation of a Strategy for introducing of an integrated IT system in the judiciary

Short-term priorities

- developing a Strategy for an IT system in the judiciary

Medium-term priorities

- e-justice – (I Phase)

Long-term priorities

- Integrated information system for combating crime
- e-justice (II phase)
- Information system for management of the pre-trial detention places and prisons

X. Infrastructure and security of the judiciary

Short-term priorities

- Evaluation of the existing infrastructure and identification of priority investments/repair works
- Evaluation of the security level in the judiciary and of the possibility of its development and improvement in reference to the existing premises
- Elaboration of a strategy in order to provide new premises

Medium-term priorities

- Creation of a specialized structure for the security of the court buildings

XI. Legislative amendments

- Analysis and evaluation of the existing legislation concerning the judiciary, specification of priorities and law drafting in order to amend the existing laws and regulations and respectively, adoption of new acts, including statutory legislation on the Judiciary
- Evaluation and amendment of material and procedure laws in force, in order to determine the causes impeding the functioning of a speedy, accessible and equitable justice
- Elaboration of a strategy and priorities concerning the necessary legal amendments related to the speedy, accessible and equitable justice
- Establishing of specialized administrative and commercial courts

XII. Amendments in the Constitution of the Republic of Bulgaria

Short-term priorities

- Development of comparative legal analyses of the Constitution models of the judiciary in the EU member-states and in some of the candidate-countries.
- Establishment of a working group, which should propose the necessary amendments in the Constitution
- Development of a concept for alternative decisions for amendment of the Constitution of the Republic of Bulgaria in Chapter VI "Judiciary"
- Conducting a wide public debate on the concept for amendments in the Constitution

Medium-term priorities

Establishing a national expert group on the amendments in the Constitution in regard to the membership in NATO and the EU, also in regard to the judiciary, in particular the immunity of the magistrates, role and the place of the investigation and the prosecution

- Initiating a professional debate on the proposed amendments in the Constitution

Long-term priorities

- ***Amendment of the Constitution of the Republic of Bulgaria***

XIII Drafting of new procedure legislation - The Civil Procedure Code (CPC), The Penal Procedure Code (PPC), and the Administrative Procedure Code (APC).

Short –term priorities

- Comprehensive review of the current procedure legislation and jurisprudence
- Comparative – legal analysis of the existing models of the member-states of the EU
- Coordinated development and adoption of rules of interaction between the Ministry of Justice, the Ministry of Interior, the Prosecutor’s office and the investigation in the pre-trial phase of the penal procedure
- Establishing of working groups for development of a concept for the necessary amendments

Medium- term priorities

- Discussion and adoption of the concepts for amendments in the procedure legislation – CPC, PPC, APC
- Establishing of working groups for developing drafts of CPC, PPC, APC

Long-term priorities

- Adoption of new CPC, PPC, APC

XIV. Further harmonization of the Bulgarian legislation with the *acquis* and the best European standards and practices

1. Taking the necessary measures for guaranteeing the application of the instruments of the Community in the area of the judicial cooperation in penal issues and civil and commercial cases

Short –term priorities

- Review and assessment of the legislation in force in order to identify the need for amendments guaranteeing effective application of the Community instruments in the area of the judicial cooperation in penal and civil cases.

Medium term priorities

- Defining the priorities and draft laws for amendment and supplement of the existing normative regulation, also providing the enforcement of the European Arrest Warrant.
- Assignment of competent national courts which will conduct activities in reference to the judicial cooperation in penal and civil cases, and creating conditions for effective performance of these activities
- Training of magistrates from the assigned courts for applying the Community instruments in the area of the judicial cooperation in penal and civil cases.

Long-term priorities

- Notification to the European Commission concerning the national courts responsible for judicial cooperation in penal and civil cases.
- Taking supplementary measures for guaranteeing effective application of the Community instruments in the area of the judicial cooperation in civil and penal

issues, especially those concerning the mutual recognition and enforcement of the court decisions

2. *Aligning national legislation with the best EU practices*

- Drafting of a Law on the Commercial Register
- Drafting of a new Family Code
- Drafting of a new Law on the Execution of Punishments
- Drafting of a new Law on the International Private Law
- Drafting of a new Law on the Judiciary

XV. Equal access to justice

Short-term priorities

- Drafting of legal amendments in order to improve the *free legal* assistance on civil and criminal cases

Medium-term priorities

- Establishing of a National Legal Assistance Bureau

XVI. . Introduction of alternative means for dispute resolutions

Short-term priorities

- Elaboration and adoption of legal regulation concerning the alternative settlements in the area of the family law, labour law and consumers' protection
- Elaboration of training programmes for mediators
- Introduction of the « ombudsman » institution
- Increase of the number of arbitration courts

Medium-term priorities

- Training of mediators for introduction of the alternative settlements
- Development of a mediators' *Ethics Code*
- Establishing a mediators' register at the *Ministry of Justice*

Long-term priorities

- Development of a general system for alternative settlement

XVII. Improvement of the judicial enforcement system for ensuring effective and speedy protection of the rights of citizens and legal entities

Short-term priorities

- Elaboration of a conception concerning legal amendments in the context of the European standards in the area of the judicial enforcement

Medium-term priorities

- Conducting legal amendments in the area of the judicial enforcement and introduction of the possibility to delegate duties concerning the judicial enforcement to independent persons
- Elaboration of rules of ethics for bailiffs

Long-term priorities

- Improvement of the effectiveness of the judicial enforcement
- Applying the European standards in the area of the judicial enforcement

XVIII. Registry offices

Short-term priorities

- Elaboration of a continuing training programme for the registry judges by the *Ministry of Justice*
- Elaboration of training programmes for the administration staff of the registry offices

Medium-term priorities

- Elaboration and introduction of an information system for registries, in reference to the *Law on the Cadastre and the Land Register*

Long-term priorities

- IT equipment of registry offices
- Introduction and progressive establishment of a National Land Register according to the *Law on the Cadastre and the Land Register*

XIX. Promoting the public image of the judiciary

Short-term priorities

- Training of employees in public relations
- Elaboration of a conception concerning the relations with the media and the cooperation with the legislative power on matters concerning the judiciary

Medium-term priorities

- Elaboration of programs, information leaflets and Web sites in order to present the activity of judiciary authorities
- Adoption of a global conception concerning the relations with the media
- Elaboration of criteria for « evaluation of the impact » of the new normative acts on the functioning of the judiciary

Long-term priorities

- Promoting the public confidence in the judiciary
- Establishment of a lasting cooperation policy with the legislative power on matters concerning the judiciary

**ACTION PLAN TO THE UPDATED STRATEGY FOR REFORM OF THE
BULGARIAN JUDICIARY**

SUB-GOALS

***I. ACTIONS CONNECTED WITH CONDUCTING THE REFORM OF THE JUDICIARY AND
GUARANTEEING ITS IRREVOCABILITY***

Short-term priorities

- development of a cooperation pact among the political forces on conducting the judicial reform
- signing a political agreement
- establishing a work group on defining the complex problems of the judiciary

Medium-term priorities

- analysis on the overall problems of the judiciary and proposal for their solution
- approving and adopting the report by the Parliamentary representatives of the political forces
- signing a “ Declaration on the main guidelines for a reform of the Bulgarian judiciary”.

II. STRENGTHENING OF THE LAW ENFORCEMENT CAPACITY OF THE JUDICIARY

Human resources

Short-term priorities

1. Elaboration and adoption of uniform criteria for selection and appointment of magistrates. Elaboration of criteria in order to organize competitions for the duties of judge, prosecutor and examining magistrate

Action:

Development and adoption of uniform criteria for selection and terms and conditions for appointment of magistrates in the judiciary

Timeframe: Third Quarter 2003

Responsible authority: Supreme Judicial Council (SJC)

2. Elaboration and introduction of a preliminary evaluation in order to establish the irremovability status of magistrates

Action:

1) Development of secondary legislation

Timeframe: Third Quarter 2003

Responsible authority: SJC

2) Introduction of a mandatory preliminary evaluation in reference with acquisition of irremovability status of judges, prosecutors and investigators;

Timeframe: Third Quarter 2003

Responsible Authority: SJC

2. Elaboration and adoption of a magistrates' Code of Ethics and rules in order to its enforcement

Action:

Adoption of Code of Ethics for judges, prosecutors and investigators.

Timeframe: Second Quarter 2003

Responsible Authority: Corresponding professional organizations, coordinated with SJC

3. Improvement of criteria and a procedure for verification, undertaking of disciplinary measures, appeals

Timeframe: Third Quarter 2003

Responsible Authority: SJC

Medium-term priorities

1. Elaboration of criteria in order to evaluate the load of work of the magistrates

Action:

- 1) Elaboration of mechanism for objective allocation of cases to quantify and measure the workload

Timeframe: First Quarter 2004

Responsible Authority: SJC

- 2) Develop time standards for disposition of cases and closing the cases

Timeframe: Fourth Quarter 2004

Responsible Authority: The Minister of Justice, coordinated with SJC

- 3) Draft rules requiring compliance with time standards

Timeframe: Fourth Quarter 2004

Responsible Authority: the Minister of Justice, coordinated with the SJC

2. Introduction of the competition principle for the duty of magistrate

Timeframe: Second Quarter 2004

Responsible Authority: SJC

3. Elaboration and adoption of evaluation criteria in the area of promotion and demotion of the magistrates in rank and duty

Action:

Adoption of an Ordinance in reference to Art. 129, Paragraph 4, of the Law on Judiciary

Timeframe: Third Quarter 2003

Responsible Authority: SJC

4. Adoption of encouragement criteria and procedure

Timeframe: Third Quarter 2004

Responsible Authority: All courts and the SJC

5. Introduction of the « term of office principle » for executive duties in the judiciary

Action:

1) Elaboration of concept within the framework of the National Expert group on the comprehensive amendments in the Constitution

Timeframe: Fourth Quarter 2004

Responsible Authority: Minister of Justice coordinated with SJC

Long-term priorities

1. Confirmation of the competition principle and of internal criteria in order to appoint magistrates

Action:

1) Review and evaluate newly introduced appointment procedures

Timeframe: Third Quarter 2004; third Quarter 2005

Responsible State Authority: SJC

2) Modify procedures as necessary or desirable

Timeframe: Third Quarter 2005

Responsible Authority: SJC

2 Confirmation of evaluation criteria for the magistrates' work, concerning the promotion and the demotion in duty, intended to guarantee the exact and impartial estimate for their career planning

Action:

1) Review and evaluate newly introduced promotion and demotion procedures

Timeframe: Third Quarter 2004; Third Quarter 2005

Responsible Authority: SJC

Strengthening of the professional qualification of judiciary authorities

Short-term priorities

1. Introduction of compulsory training for new magistrates

Action:

Develop and implement uniform training curriculum and calendar for new magistrates

Timeframe: Third Quarter 2003

Responsible Authority: SJC and the National Judiciary Institute /NJI/

2. Development of further qualification programmes in order to train magistrates

Action:

Develop and implement uniform training curriculum and calendar for experienced magistrates

Timeframe: Third Quarter 2003

Responsible Authority: National Judiciary Institute /NJI/

Medium-term priorities

1. Introduction of compulsory further qualification of magistrates

Action:

Incorporate mandatory training programs into curriculum and calendar of National Institute of Justice /NIJ/

Timeframe: Fourth Quarter 2003

Responsible Authority: National Institute of Justice /NIJ/

2. Elaboration of a training system for magistrates in the areas of international acts and European Union law

Action:

Develop and implement uniform training curriculum and calendar for judges, prosecutors and investigators in the areas of international law and European Union law

Timeframe: Fourth Quarter 2003

Responsible Authority: National Judiciary Institute /NJI/

Long-term priorities

1. Introduction of an uniform national system for training and qualification of magistrates

Action:

- 1) Continue to develop institutional and strategic planning capacity of the National Judiciary Institute /NJI/as described in section VII below.

Timeframe: Ongoing in line with the timeframes in section VII below.

Responsible Authority: SJC, Supreme Cassational Court, Supreme Administrative Court, Supreme Cassational Prosecution Office, Supreme Administrative Prosecution Office and the National Investigation Service.

- 2) Continue to develop and unify the curriculum and training activities of the National Academy for Professional Training and provide initial and periodic continuing professional training to all judges, prosecutors and investigators and administrative staff in Bulgaria

Timeframe: Ongoing in line with timeframes in section VII below.

Responsible Authority SJC, Supreme Court of Cassation, Supreme Administrative Court, Supreme Cassational Prosecution Office, Supreme Administrative Prosecution Office and the National Investigation Service

2. Enforcement of the European law and European standards in the area of justice

Timeframe: Ongoing in line with timeframes in section III and XII.

Responsible Authority: Minister of Justice, SJC

III. INTRODUCTION OF EUROPEAN STANDARDS IN THE OPERATION OF THE JUDICIARY – PRINCIPLES OF TRANSPARENCY AND IMPARTIALITY

Short-term priorities

1. Adoption of a relevant legal regulation, providing transparency in the operation of the judiciary

Action:

1. Establishment of a working group for drafting a law providing for transparency in the work of the judiciary.

Timeframe: Fourth quarter of 2003.

Responsible Authority: Minister of Justice, SJC and the judiciary

2. Establishing a working group for development of statistic criteria for accountability of the different branches of the judiciary

Action:

Establishment of a working group on the statistic criteria.

Timeframe: Fourth quarter of 2003.

Responsible Authority: Minister of Justice, SJC and the judiciary

3. Creation of a software for impartial allocation of files and cases in the judiciary

Action:

Taking appropriate steps for selection of a contractor to elaborate and introduce the software.

Timeframe: Fourth quarter of 2003.

Responsible Authority: Minister of Justice, SJC and the judiciary

Medium –term priorities

1. Introduction of unified forms for accountability of the work of the different units of the judiciary (court, investigation, prosecution)

Timeframe: Fourth quarter of 2004.

Responsible Authority: Minister of Justice, SJC and the judiciary

2. Installment of a software for a impartial allocation of files and cases in the judiciary

Timeframe: Fourth quarter of 2004.

Responsible Authority: SJC and the judiciary

3. Creating a web-site of the SJC for publishing the statistic information of the judiciary and information on the operation of the SJC

Timeframe: Second quarter of 2004.

Responsible Authority: SJC

Long-term priorities

1. Effective application of the system of accountability and control on the operation of the different units of the judiciary

Timeframe: Ongoing from the third quarter of 2004.

Responsible Authority: Minister of Justice, SJC and the judiciary

IV. IMPROVEMENT OF THE ADMINISTRATIVE ACTIVITY OF THE JUDICIARY

2.1. Human resources

Short-term priorities

1. Introduction of standards for service to citizens

Action:

1) Develop and implement continuing professional training programs in citizens servicing for court employees.

Timeframe: Third Quarter 2003

Responsible Authority: NJI

2. Adoption of a Code of Ethics for administration staff

- **Action:** 1) Adoption of a *Code of Conduct* for the court employees;

Timeframe: Second Quarter 2003

Responsible Authority: National Court Clerk's Association

3. Training and qualification of administration staff

Action:

1) Conduct a training needs assessment of administrative staff;

Timeframe: First Quarter 2003

Responsible Authority: MOJ in coordination with National Court Clerk's Association

2) Develop and implement uniform training curriculum and calendar for administrative staff.

Timeframe: Third Quarter 2003

Responsible Authority: NJI

Medium-term priorities

1. Introduction of the competition principle in order to select and appoint administration staff

Action:

Draft and implement regulations mandating competitions and setting forth procedures and methodology for staff recruitment.

Timeframe: Fourth Quarter 2003.

Responsible Authority: MOJ with SJC coordination

2. Introduction of the evaluation criteria and procedure for the administration staff work

Action:

- 1) Draft and implement criteria and procedures for evaluating the work of administrative staff within the Judiciary;

Timeframe: Fourth Quarter 2003.

Responsible Authority: Judiciary bodies, MOJ in cooperation with the National Court Clerk's Association,

- 2) Design and conduct training programs for evaluation of the supervisory staff.

Timeframe: Ongoing beginning First Quarter 2004

Responsible Authority: Judiciary bodies, MOJ in cooperation with National Court Clerk's Association, NJI.

3. Development of job descriptions

Action:

- 1) Elaboration/amendment in the legislative basis for the administration of the Judiciary bodies – inclusion of Job Descriptions

Time frame: third quarter 2003

Responsible Authority: MOJ in coordination with SJC, Judiciary bodies and the National Court Clerk's Association

- 2) Preparation of models for the Job Descriptions for the administration in the Judiciary bodies

Time frame: third quarter 2003

Responsible Authority: MOJ in coordination with SJC, Judiciary bodies and the National Court Clerk's Association

4. Increase of the number of administration staff

- 1) Assessment of the needs for administration in the Judiciary

Time frame: third quarter 2003

Responsible Authority: Judiciary bodies in coordination with MOJ

- 2) Definition of priorities and employment of additional staff in reference with the results

Time frame: ongoing, depending the needs and the resources

Responsible Authority: SJC, Judiciary

5. Preparation of specialized procedure handbooks for administration staff

Action:

- 1) Prepare a comprehensive list of topics for procedure handbooks for administrative staff;

Timeframe: Fourth Quarter 2003

Responsible Authority: SJC and the Judiciary bodies in cooperation with National Court Clerk's Association

- 2) Draft procedure handbooks for administrative staff.

Timeframe: First Quarter 2004

Responsible Authority : SJC and the Judiciary bodies in cooperation with National Court Clerk's Association

Long-term priorities

1. Introduction of specialized procedure handbooks for administration staff

Action:

Establish and carry out procedures for periodic review and updating of manuals.

Timeframe: Ongoing beginning 2004

Responsible Authority: SJC and the Judiciary bodies in cooperation with National Court Clerk's Association

2. Improvement of the effectiveness of judiciary administration by introducing compulsory training programmes

Action:

Implement uniform training programs for administrative staff called for in short-term priorities above.

Timeframe: Ongoing beginning 2004

Responsible State Authority: NJI

3. Introduction of the European standards to the judiciary administration

Action:

1) Review and analyze court administration practices in various European Union Member States;

Timeframe: Ongoing 2004

Responsible State Authority: MOJ with SJC cooperation and participation of National Court Clerks' Association

2) Introduce European standards for court administration.

Timeframe: Ongoing 2004

Responsible Authority: MOJ with SJC cooperation and participation of National Court Clerks' Association

V. STRENGTHENING OF THE CAPACITY OF THE SUPREME JUDICIAL COUNCIL FOR PERFORMING ITS FUNCTIONS

Short-term priorities

1. Updating of the SCJ Rules of Procedure for the necessary organizational changes

Action:

Update the SJC Rules to reflect newly established operational goals, priorities and mechanisms for strategic planning.

Timeframe: Second Quarter 2003;

Responsible State Authority: SJC

2. Elaboration and introduction of a coordination system for information processing

Action:

- 1) Assess the existing automation capabilities of the MOJ, SJC, Supreme Court of Cassation, Supreme Administrative Court, Chief Prosecution Office, and Chief Investigation Service including hardware, software, telecommunications equipment and human resources;

Timeframe: Second Quarter 2003

Responsible Authority: MOJ in coordination with SJC, Supreme Court of Cassation, Supreme Administrative Court, Chief Prosecution Office, and Chief Investigation Office

- 2) Develop and implement a technical mechanism for interconnectivity between the respective sub-branches;

Timeframe: Third Quarter 2003

Responsible Authority: MOJ in coordination with SJC, Supreme Court of Cassation, Supreme Administrative Court, Chief Prosecution Office, and Chief Investigation Office

- 3) Develop and implement the specific parameters for information exchange between the respective sub-branches.

Timeframe: Third Quarter 2003

Responsible Authority: MOJ in coordination with SJC, Supreme Court of Cassation, Supreme Administrative Court, Chief Prosecution Office, and Chief Investigation Office.

Medium-term priorities

1. Development of the capacity of the Supreme Judicial Council in order to complete its functions related to the administration of the budget of the judiciary – strategy, budget, management

Action:

- 1) Reorganize and increase the SJC administration in order to fully implement the SJC Strategy.

Timeframe: Ongoing beginning first quarter of 2004

Responsible Authority: SJC

- 2) Refocus the role of the SJC and its members to determining judicial policies; engaging in strategic planning; overseeing its staff; interfacing with other governmental institutions at a policy level; and ruling upon other significant matters.

Timeframe: Ongoing beginning 2004

Responsible Authority: SJC

2. Public awareness and transparency of the Supreme Judicial Council's activity – creation of a Web page, open meetings, etc.

Action:

Achieve openness and transparency in the work of the SJC through

- a) conducting meetings;
- b) publishing or otherwise making available the minutes of meetings to the public;
- c) posting information about the SJC, its activities and its actions on a Web page; and
- d) creating and implementing press liaison procedures to continually update the media on SJC activities.

Timeframe: Ongoing beginning second quarter of 2004

Responsible Authority: SJC

3. Development of the capacity of the Supreme Judicial Council in the area of disciplinary procedure, by creating an independent investigation commission on illegal behavior of magistrates while carrying out their duties

Action:

Draft and implement improved procedures to investigate alleged improper behavior of judges, prosecutors and investigators and establish investigative commissions for that purpose.

Timeframe: First Quarter 2004

Responsible State Authority: SJC in cooperation with MOJ

VI. IMPROVEMENT OF THE STRUCTURE OF THE JUDICIARY THROUGH BUILDING UP OF SPECIALIZED ADMINISTRATIVE COURTS, RESTRUCTURING OF THE COMMERCIAL JUSTICE, LIMITING THE POWERS OF THE INVESTIGATION IN THE PRE-TRIAL PHASE OF THE PENAL PROCEDURE

Short-term priorities

Action:

1. Establishing a working group for defining the regions and number of the specialized administrative courts and for development of proposals for amendments of the legislation

Timeframe: Third Quarter 2003

Responsible Authority: MOJ, SJC, and the judiciary bodies

2. Establishing a working group for defining the regions and number of the specialized commercial divisions and for development of proposals for amendments of the legislation

Timeframe: Third Quarter 2003

Responsible Authority: MOJ, SJC, and the judiciary bodies

3. Establishing of specialized investigation units at the Ministry of Interior

Timeframe: Third Quarter 2003

Responsible Authority: MOJ, the Minister of Interior, SJC, and the judiciary bodies

Medium-term priorities

Action:

1. Developing a legal regulation of the specialized administrative courts and defining their jurisdiction

Timeframe: First Quarter 2004

Responsible Authority: Council of Ministers, MOJ, Minister of Interior, SJC, Judiciary bodies,

2. Adopting of amendments of the legislation in force, connected with establishing specialized commercial divisions, legal definition of the term "commercial transaction", and defining the jurisdiction

Timeframe: Fourth Quarter 2004

Responsible Authority: Council of Ministers, Parliament

3. Training and strengthening of the established investigation units at the Ministry of Interior

Timeframe: Third Quarter 2004

Responsible Authority: Minister of Interior.

Long-term priorities

Action:

1. Adoption of the Administrative Procedure Code

Timeframe: Fourth quarter 2005

Responsible Authority: MOJ, SJC, judiciary bodies, Council of Ministers, Parliament

2. Building up and strengthening of the specialized administrative courts

Timeframe: Fourth quarter 2005

Responsible Authority: MOJ, SJC, judiciary bodies

3. Constitutional defining the place and the role of the investigation

Timeframe: Fourth quarter 2005 in line with the timeframe under section XII

Responsible Authority: Parliament

VII. TRANSFORMATION OF THE MAGISTRATES' TRAINING CENTRE INTO A PUBLIC INSTITUTION

Short-term priorities

1. Supply of infrastructure and equipment by the Ministry of Justice in order to ensure the continuation of the centre's activity

Action:

- 1) Provide the NJI with an adequate building facilities to house its staff and conduct training;

Timeframe: Third Quarter 2003

Responsible Authority: SJC in cooperation with MOJ

- 2) Provide sufficient furniture and equipment.

Timeframe: Third Quarter 2003

Responsible Authority: SJC in cooperation with MOJ

2. Legal regulation of the institution's activity

Action:

Draft governing regulations for the NJI;

Timeframe: Third Quarter 2003

Responsible State Authority: SJC

3. Introduction of compulsory initial training for all new judges and for judges having less than three years of service

Action:

Development of a unified training programmes for newly appointed judges;

Timeframe: Third Quarter 2003

Responsible Authority: SJC, NIJ

4. Continuing education within the framework of specialized programmes /European Union law, Free market economy, Information technologies, New legislation, etc./

Action:

Development and implementation of a unified training programme for judges, prosecutors and investigators in European Union law, Free market economy, Information technologies, New legislation, etc ;

Timeframe: Fourth Quarter 2003

Responsible Authority: NIJ

5. Extension of the institution's activity by introducing training programmes for prosecutors and examining magistrates

Timeframe: Ongoing beginning first quarter of 2004

Responsible Authority: NIJ

Medium-term priorities

1. Introduction of compulsory initial training for all new magistrates and magistrates having less than three years of service

Action:

Development of a uniform training curriculum and calendar for all newly appointed magistrates.

Timeframe: Second Quarter 2004

Responsible Authority: SJC, NJI

2. Introduction of a training programme for all magistrates appointed to administrative position or having been transferred to a higher jurisdiction level

- 1) Elaboration of a uniform training curriculum and calendar for all magistrates appointed to an administrative position or having been transferred to a higher jurisdiction level

Timeframe: Second Quarter 2004

Responsible Authority: NJI

- 2) Implementation of a uniform training curriculum and calendar for all magistrates appointed to an administrative position or having been transferred to a higher jurisdiction level

Timeframe: Second Quarter 2004

Responsible Authority: NJI

3. Elaboration and introduction of a compulsory training programme for juridical administration

Action:

- 1) Conduct a training needs assessment of court clerks;

Timeframe: Fourth Quarter 2003

Responsible Authority: MOJ In coordination National Court Clerks' Association

- 2) Develop and implement uniform training curriculum and calendar for court clerks.

Timeframe: First Quarter 2004

Responsible Authority: NJI

3. Allocation of funds in the Budget to the training of magistrates and administration staff

Action:

- 1) Development of institutional capacity within the National Institute of Justice to accurately measure and clearly articulate its financial needs to the Council of Ministers and the legislature;

Timeframe: Second Quarter 2004

Responsible Authority: NJI

- 2) Preparation and approval of an annual operational budget sufficient to meet the training needs of magistrates and administrative staff.

Timeframe: Second Quarter 2004

Responsible Authority: NJI

4. *Creation and progressive introduction of an uniform system for professional training and qualification of magistrates and administration staff*

Timeframe: Fourth Quarter 2004

Responsible Authority: NJI

Long-term priorities

1. *Continuation of training in European law and establishment of European standards for all magistrates*

Action:

Improvement and expand the uniform training curricula and calendars for the groups of judges, prosecutors and investigators referenced above with particular emphasis on European law and establishment of European standards.

Timeframe: Ongoing beginning Third Quarter 2004

Responsible Authority:NIJ

2. *Development of specific training programmes according to specific needs*

Action:

Continuously incorporate specific, need-oriented training programs into the curricula and calendars referenced above in response to the passage of new or amended legislation and dependant upon the specific topical areas for training identified through periodic needs assessments.

Timeframe: Ongoing

Responsible Authority: NJI

VIII BUDGETING OF THE JUDICIARY

Short-term priorities

1. *Adapting the budget of the judiciary in accordance with the needs*

Action:

To reorganize and expend the administration of the Supreme Judicial Council, analyzing the current needs of the judiciary and the strategic planning of future needs.

Timeframe: Fourth Quarter of 2003

Responsible Authority: Supreme Judicial Council

2. Creation of a specialized unit for cooperation between the Ministry of Justice and the SJC responsible for the preparation and submission of the annual budget of the judiciary

Action:

Establishing of a unit/commission or assigning responsibilities to already existing administrative structures in the MOJ and SJC to coordinate and implement activities of either institution that affects those of the other including preparation and submission of the annual budget of the judiciary.

Timeframe: current

Responsible Authority: MOJ and SJC

3. Development of an appropriate mechanism for coordination of the annual budget of the judiciary with the Council of Ministers

Action:

Establishment of a unit/commission or assigning responsibilities to already existing administrative structures in the MOJ, SJC and the Ministry of Finance to coordinate of the draft budget of the judiciary with the state budget.

Timeframe: current, annually

Responsible Authority: MOJ, MF and SJC

IX. ADOPTION AND IMPLEMENTATION OF A STRATEGY FOR INTRODUCING OF AN INTEGRATED IT SYSTEM IN THE JUDICIARY

Short-term priorities

1. Developing a Strategy for an IT system in the judiciary

Action:

1) Assessment of the existing capacity of the MOJ, SJC, Supreme Court of Cassation, Supreme Administrative Court, Supreme Cassational Prosecution Office, Supreme Administrative Prosecution Office, and the Investigation Services in reference hardware, software, telecommunications equipment and human resources;

Timeframe: Third Quarter 2003

Responsible Authority: The Minister of Justice, coordinated with SJC, Supreme Court of Cassation, Supreme Administrative Court, Supreme Cassational Prosecution Office, Supreme Administrative Prosecution Office and the National Investigation Service

2) Development of a technical mechanism for interconnectivity and specific parameters for information exchange between the respective sub-branches;

Timeframe: Fourth Quarter 2003

Responsible Authority: The Minister of Justice, coordinated with SJC, Supreme Court of Cassation, Supreme Administrative Court, Supreme Cassational Prosecution Office, Supreme Administrative Prosecution Office and the National Investigation Service

3) Preparation of an overall program for the development of a compatible automated case-tracking system for the courts, the investigation services and the prosecution offices;

Timeframe: Third Quarter 2003

Responsible Authority: The Minister of Justice, coordinated with SJC, Supreme Court of Cassation, Supreme Administrative Court, Supreme Cassational Prosecution Office, Supreme Administrative Prosecution Office and the National Investigation Service

4) Development of an automated system for administration of cases;

Timeframe: Third quarter 2003

Responsible Authority: The Minister of Justice /MOJ/, coordinated with SJC

5) Create, test and implement the system in pilot projects in the Judiciary

Timeframe: Fourth quarter 2003

Responsible Authority: The Minister of Justice, coordinated with SJC

6) Use of the system in all courts, prosecution and investigation offices as computer hardware and technical capacity permit.

Timeframe: Ongoing depending on resources.

Responsible Authority: MOJ with SJC coordination

7) Gradual computerization of the judiciary - Install, use and maintain computer hardware, software, networking and telecommunications equipment system-wide within the judiciary.

Timeframe: Ongoing

Responsible Authority: MOJ with SJC coordination

8) Development of a management system in the Judiciary at national level - Create a Judicial Automation Policy Committee to establish automation priorities for the judiciary and to oversee its implementation on an ongoing basis;;

Timeframe: Ongoing as from the fourth Quarter 2003

Responsible Authority: MOJ /SJC

Medium-term priorities

1. E-justice – (I Phase)

Action:

- 1) Development of a concept

Timeframe: Fourth Quarter 2004

Responsible Authority; MOJ, Minister of State Administration, SJC, Interinstitutional council for Uniform Information System for Crime Combating;

- 2) Creation of a uniform system for data collection and statistics that will be used as a management tool for the judiciary - Establishment of a committee and working group of experts in order to develop the parameters of a uniform system for data collection and statistics

Timeframe: Fourth Quarter 2004

Responsible Authority; SJC, Interinstitutional council for Uniform Information System for Crime Combating;

- 3) Monitoring the implementation

Timeframe: Ongoing, annually

Responsible Authority: SJC

Long-term priorities

1. Introduction of the Uniform Information System for Crime Combating in the Republic of Bulgaria;

Action:

- 1) Development and introduction of management information system in the preliminary detention and prisons

Timeframe: 2004 – 2005

Responsible Authority: MOJ with SJC cooperation and Interinstitutional council for Uniform Information System for Crime Combating;

2) Develop connectivity software to facilitate the integration of information systems in all institutions within the judiciary into the global information system;

Timeframe: 2004 – 2005

Responsible Authority: MOJ, Supreme Cassational Prosecution Office and Interinstitutional council for Uniform Information System for Crime Combating;

3) Integrate the information systems into the Uniform Information System for Crime Combating .

Timeframe: 2005

Responsible Authority: MOJ with SJC cooperation and Interinstitutional council for Uniform Information System for Crime Combating

2. E-Justice – II stage

Action:

Unifying the system and providing technical interconnectivity between its components

Timeframe: Third quarter of 2005

Responsible Authority: MOJ with SJC cooperation and Interinstitutional council for Uniform Information System for Crime Combating

3. Information system for management of the pre-trial detention places and prisons

Action:

Introduction of the system and unification of its main parameters with the Uniform Information System for Crime Combating.

Timeframe: Third quarter of 2005

Responsible Authority: MOJ with SJC cooperation and Interinstitutional council for Uniform Information System for Crime Combating

X. INFRASTRUCTURE AND SECURITY OF THE JUDICIARY

Short-term priorities

1. Evaluation of the existing infrastructure and identification of priority investments/repair works;

Action:

1) Defining Priority needs for investments/repair work

Timeframe: annually

Responsible Authority: MOJ in cooperation with SJC

- 2) Planning the requirements for additional funding for investments/repair work into annual judicial budget

Timeframe: current by the last Quarter of the corresponding year

Responsible Authority:– SJC in cooperation with MOJ

2. Evaluation of the security level in the judiciary and of the possibility of its development and improvement in reference the existing premises;

Action:

- 1) Defining the staff needs, equipment and repair work for promotion of security

Timeframe: annually

Responsible Authority: MOJ in cooperation with SJC

- 2) Planning of additional funding for personnel, equipment and repair work into annual judicial budget

Timeframe: annually

Responsible Authority: SJC in cooperation with MOJ

3. Elaboration of a strategy in order to provide new premises

Action:

- 1) Defining the need of reconstruction, change of existing and acquiring of new premises

Timeframe: current

Responsible Authority: MOJ in cooperation with SJC

- 2) Planning of additional funding for reconstruction, change of existing and acquiring of new premises which should be envisaged with development of the state budget

Timeframe: current

Responsible Authority: SJC in cooperation with MOJ and MF

Medium-term priorities

1. Creation of a specialized structure for the security of the court buildings

Action:

Planning of sufficient personnel for security of the courts

Timeframe: Fourth Quarter of 2003

Responsible Authority: MOJ in cooperation with SJC and MF

XI. LEGISLATIVE AMENDMENTS

- Analysis and evaluation of the existing legislation concerning the judiciary, specification of priorities and law drafting in order to amend the existing laws and regulations and respectively, adoption of new acts
- Evaluation and amendment of material and procedure laws in force, in order to determine the causes impeding the functioning of a speedy, accessible and equitable justice
- Elaboration of a strategy and priorities concerning the necessary legal amendments related to the speedy, accessible and equitable justice
- Establishing of specialized administrative and commercial courts

XII. AMENDMENTS IN THE CONSTITUTION OF THE REPUBLIC OF BULGARIA

Short-term priorities

AMENDMENTS IN THE CONSTITUTION OF THE REPUBLIC OF BULGARIA

Action:

1) Development of a comparative legislative analysis of the constitutional models of the judiciary in the EU member-states and in some of the candidate- countries for EU membership

Timeframe: Fourth Quarter 2003

Responsible Authority: MOJ, the Minister of the Interior, The national Investigation Office, SJC, judiciary bodies, the Council of Ministers, the President, the National Assembly, in cooperation with the NGO.

2) Establishing a work group which will propose the necessary amendments in the Constitution

Timeframe: Fourth Quarter 2003

Responsible Authority: MOJ, the Minister of the Interior, The national Investigation Office, SJC, judiciary bodies, the Council of Ministers, the President, the National Assembly, in cooperation with the NGO.

3) Development of conception for different options for amendment and supplement of the Constitution of the Republic of Bulgaria in the part "Judiciary" in particular on the immunity of the magistrates, role and the place of the investigation and the prosecution.

Timeframe: Fourth Quarter 2003

Responsible Authority: MOJ, the Minister of the Interior, The national Investigation Office, SJC, judiciary bodies, the Council of Ministers, the President, the National Assembly, in cooperation with the NGO.

4) Conducting a wide public debate on the conception for amendments in the Constitution

Timeframe: First Quarter 2004

Responsible Authority: MOJ, the Minister of the Interior, The national Investigation Office, SJC, judiciary bodies, the Council of Ministers, the President, the National Assembly, in cooperation with the NGO.

Medium term priorities

Action

- 1) Establishing a national expert group on development of thorough amendments in the Constitution, related to the membership in NATO and the EU, including those related to judiciary, in particular the immunity of the magistrates, role and the place of the investigation and the prosecution

Timeframe: First Quarter 2004

Responsible Authority: MOJ, Minister of Foreign Affairs, Minister of European affairs, Council of Ministers, the President, National Assembly in cooperation with NGO sector

- 2) Initiating a professional debate on the proposed amendments in the Constitution

Timeframe: First Quarter 2004

Responsible Authority: MOJ, Minister of Interior, National Investigation Service, SJC, Judiciary bodies, Council of Ministers, the President, National Assembly.

Long-term priorities

Amendment of the Constitution of the Republic of Bulgaria

Timeframe: Fourth Quarter 2005

Responsible Authority: National Assembly.

XIII. DRAFTING OF NEW PROCEDURE LEGISLATION - THE CIVIL PROCEDURE CODE (CPC), THE PENAL PROCEDURE CODE (PPC), AND THE ADMINISTRATIVE PROCEDURE CODE (APC).

Short-term priorities

- 1) *Comprehensive review of the current procedure legislation and jurisprudence*

Timeframe: Third Quarter 2003

Responsible Authority: MOJ, the Minister of Interior, SJC and the judiciary bodies

2) Comparative – legal analysis of the existing models of the member-states of the EU

Timeframe: Third Quarter 2003

Responsible Authority: MOJ, the Minister of Interior, SJC, and the judiciary bodies

3) Coordinated development and adoption of rules of interaction between the Ministry of Justice, the Ministry of Interior, the Prosecutor's office and the investigation in the pre-trial phase of the penal procedure.

Timeframe: Third Quarter 2003

Responsible Authority: MOJ, the Minister of Interior, SJC, and the judiciary bodies

4) Establishing of working groups for development of a concept for the necessary amendments

Timeframe: Third Quarter 2003

Responsible Authority: MOJ, the Minister of Interior, SJC, and the judiciary bodies

Medium-term priorities

Action:

- 1) Discussion and adoption of the concepts for amendments in the procedure legislation – CPC, PPC, APC (introduction of provisions for the penal liability of the legal persons)

Timeframe: First Quarter 2004

Responsible Authority: MOJ, Minister of Interior, SJC, Judiciary bodies

- 2) Establishing of working groups for developing drafts of CPC, PPC, APC

Timeframe: First Quarter 2004

Responsible Authority: MOJ, Minister of Interior, SJC, Judiciary bodies,

Long-term priorities

Action:

- 1) Adoption of new Civil Procedure Code (CPC), Penal Procedure Code (PPC) and Administrative Procedure Code (APC)

Timeframe: June 2005

Responsible Authority: Council of Ministers and National Assembly

XIV. FURTHER HARMONIZATION OF THE BULGARIAN LEGISLATION WITH THE ACQUIS AND THE BEST EUROPEAN STANDARDS AND PRACTICES

1. Taking the necessary measures for guaranteeing the application of the instruments of the Community in the area of the judicial cooperation in penal issues and civil and commercial cases

Short –term priorities

Action:

- 1) Review and assessment of the legislation in force in order to identify the need for amendments guaranteeing effective application of the Community instruments in the area of the judicial cooperation in penal and civil cases.

Timeframe: Third Quarter 2003

Responsible Authority: MOJ, SJC, and the judiciary bodies

Medium term priorities

- 1) Defining the priorities and draft laws for amendment and supplement of the existing normative regulation, also providing the enforcement of the European arrest warrant.

Timeframe: Fourth Quarter 2004

Responsible Authority: **MOJ, SJC, and the judiciary bodies**

- 2) Assignment of competent national courts which will conduct activities in reference to the judicial cooperation in penal and civil cases, and creating conditions for effective performance of these activities.

Timeframe: Fourth Quarter 2004

Responsible Authority: **MOJ, SJC, and the judiciary bodies**

- 3) Training of magistrates from the assigned courts for applying the Community instruments in the area of the judicial cooperation in penal and civil cases.

Timeframe: Current as of 2004

Responsible Authority: MOJ, SJC, and the judiciary bodies, NIJ

Long-term priorities

- 1) Notification to the European Commission concerning the national courts responsible for judicial cooperation in penal and civil cases.

Timeframe: Current as of 2004

Responsible Authority: **MOJ, SJC, and the judiciary bodies, NIJ**

2. Taking supplementary measures for guaranteeing effective application of the Community instruments in the area of the judicial cooperation in civil and penal issues, especially those concerning the mutual recognition and enforcement of the court decisions

Timeframe: **Current**

Responsible Authority: **MOJ, SJC, and the judiciary bodies, NIJ**

2. Aligning national legislation with the best EU practices

Drafting of a Law on the Commercial Register

Drafting of a new Family Code

Drafting of a new Law on the Execution of Punishments

Drafting of a new Law on the International Private Law

Drafting of a new Law on the Judiciary

Timeframe: By June 2005

Responsible Authority: **MOJ, SJC, Council of Ministers**

XV. EQUAL ACCESS TO JUSTICE

Short-term priorities

- Drafting of legal amendments in order to improve the *free legal* assistance on civil and criminal cases

Action:

Developing a conception for improvement of the work of the system for providing such a free legal assistance

Timeframe: Third Quarter of 2003

Responsible Authority: the Minister of Justice in cooperation with the Supreme Judicial Council and the Supreme Bar Council

Medium-term priorities

Establishing of a National Legal Assistance Bureau

Action:

Drafting law amendments accordingly to the concept;

Timeframe: Fourth Quarter of 2004

Responsible Authority: the Minister of Justice in cooperation with the Supreme Judicial Council and the Supreme Bar Council

2. Creation of a national legal assistance office

Action:

1) Creation of a national legal assistance office to coordinate and implement legal assistance throughout the country.

Timeframe: Fourth Quarter of 2004

Responsible Authority: the Minister of Justice and the Council of Ministers

XVI. INTRODUCTION OF ALTERNATIVE DISPUTES RESOLUTION

Short-term priorities

1 Elaboration and adoption of legal regulation concerning the alternative settlements in the area of the family law, labour law and consumers' protection

Action:

Draft a concept for eventual amendments in the Civil Procedure Code or adoption of a new Civil Procedure Code, as for adoption of specific legislation for alternative dispute settlement

Timeframe: Fourth Quarter 2003

Responsible Authority: MOJ in coordination with the concerned Institution, the Judiciary bodies, the Supreme Council BAR

2) Elaboration of training programmes for mediators

Timeframe: Fourth Quarter 2003

Responsible Authority: MOJ in coordination with the concerned Institution, the Judiciary bodies, the Supreme Council BAR

3) Introduction of the « ombudsman » institution

Timeframe: Fourth Quarter 2003

Responsible Authority: MOJ in coordination with the concerned Institution, the Judiciary bodies, the Supreme Council BAR

4) Increase of the number of arbitration courts

Timeframe: Fourth Quarter 2003

Responsible Authority: MOJ in coordination with the concerned Institution, the Judiciary bodies, the Supreme Council BAR

Medium-term priorities

1) *Training of mediators for introduction of the alternative settlements*

Timeframe: Ongoing as of first quarter 2004

Responsible Authority: MOJ in coordination with the concerned Institution, the Judiciary bodies, the Supreme Council BAR

2) *Development of a mediators' Ethics Code*

Timeframe: Third quarter 2004

Responsible Authority: MOJ in coordination with the concerned Institution, the Judiciary bodies, the Supreme Council BAR

3) *Establishing a mediators' register at the Ministry of Justice*

Timeframe: Fourth quarter 2004

Responsible Authority: MOJ in coordination with the concerned Institution, the Judiciary bodies, the Supreme Council BAR

Long-term priorities

1) *Development of a general system for alternative settlement*

Action:

Adoption of specific legislation

Timeframe: Second Quarter 2005

Responsible Authority: Council of Ministers and MOJ

2) Heighten public awareness of alternative dispute settlement mechanisms through informational programs and public outreach.

Timeframe: Ongoing as of the end of 2004

Responsible Authority: MOJ in coordination with the concerned Institution, the Judiciary bodies, the Supreme Council BAR

XVII. IMPROVEMENT OF THE JUDICIAL ENFORCEMENT SYSTEM FOR ENSURING EFFECTIVE AND SPEEDY PROTECTION OF THE RIGHTS OF CITIZENS AND LEGAL ENTITIES

Short-term priorities

1. Elaboration of a conception concerning legal amendments in the context of the European standards in the area of the judicial enforcement.

Action:

- 1) Assess the full range of institutional and practical factors that impact the system of enforcement of judgments in Bulgaria including the legislative/regulatory environment; the operational efficiency of the bailiffs and their administrative staffs; and the legal, regulatory and practical impediments affecting the enforcement process.

Timeframe: third quarter 2003

Responsible Authority: MOJ in coordination with SJC

- 2) Analyze current enforcement of judgment structures and practices in EU Member States and compare them to the Bulgarian system;

Timeframe: Fourth quarter 2003

Responsible Authority: MOJ in coordination with SJC

- 3) Develop a comprehensive revised approach to Bulgaria's enforcement structure and procedures and outline appropriate implementing legislation to affect the revised approach to enforcement.

Timeframe: Fourth Quarter 2003

Responsible Authority: MOJ in coordination with SJC

Medium-term priorities

1. Conducting legal amendments in the area of the judicial enforcement and introduction of the possibility to delegate duties concerning the judicial enforcement to independent persons

Action:

Draft appropriate implementing legislation to affect the revised approach to enforcement referenced above.

Timeframe: Second Quarter 2004

Responsible Authority: MOJ in coordination with SJC

2. Elaboration of rules of ethics for bailiffs.

Action:

Draft and adoption of Code of Ethics for bailiffs;

Timeframe: Second Quarter 2004

Responsible Authority: MOJ in coordination with SJC

Long-term priorities

1. Improvement of the effectiveness of the judicial enforcement. Applying the European standards in the area of the judicial enforcement;

Action:

Implement revised approach to enforcement of judgments referenced above with particular emphasis on European standards.

Timeframe: Ongoing as of first quarter of 2005

Responsible Authority: MOJ in coordination with SJC

XVIII. REGISTRY OFFICES

Short-term priorities

1. Elaboration of a continuing training programme for the registry judges by the Ministry of Justice;

Action:

Develop and implement uniform training curriculum and calendar for registration judges.

Timeframe: Fourth Quarter 2003

Responsible Authority: NJI in coordination with MOJ

- 2. Elaboration of training programmes for the administration staff of the registry offices

Action:

1) Conduct a training needs assessment of administrative staff attached to the registration judges;

Timeframe: Second Quarter 2003

Responsible Authority: MOJ in coordination with National Court Clerk's Association

- 2) Develop uniform training curriculum and calendar for administrative staff attached to the registration judges.

Timeframe: Third Quarter 2003

Responsible Authority: NJI in coordination with the MOJ

- 3) Implement uniform training curriculum and calendar for administrative staff attached to the registration judges

Timeframe: Ongoing

Responsible Authority: NJI

Medium-term priorities

1. Elaboration and introduction of an information system for registries, in reference to the Law on the Cadastre and the Land Register

Action:

- 1) Develop universal functional standards and technical specifications consistent with Bulgarian legislation/regulation for an automated information system for recordation as per Law on the Cadastre and Land Register ;

Timeframe: Third quarter of 2004

Responsible Authority: MOJ in coordination with CJS and the Ministry of Regional Development and Public Works

- 2) Create, test and implement the system in a limited number of registration offices on a pilot basis;

Timeframe: Fourth quarter of 2004

Responsible Authority: MOJ in coordination with CJS and the Ministry of Regional Development and Public Works

- 3) Implement the system in all registration offices as computer hardware and technical capacity permit.

Timeframe: Fourth quarter of 2004 depending on the available resources

Responsible Authority: MOJ in coordination with CJS and the Ministry of Regional Development and Public Works

Long-term priorities

1. IT equipment of registry offices

Action:

Install, utilize and maintain computer hardware, software, networking and telecommunications equipment system-wide within the registration offices.

Timeframe: Ongoing as of first quarter of 2005

Responsible Authority: MOJ in coordination with CJS and the Ministry of Regional Development and Public Works.

2) Introduction and progressive establishment of a National Land Register according to the Law on the Cadastre and the Land Register

Action:

Establish system-wide utilization of national land register through the automated information system for registration as per the Law on the Cadastre and Land Register.

Timeframe: Ongoing following implementation and testing in pilot registration offices referenced above.

Responsible State Authority: MOJ in coordination with CJS and the Ministry of Regional Development and Public Works.

XIX. PROMOTING THE PUBLIC IMAGE OF THE JUDICIARY

Short-term priorities

1. Training of PR officers;

Action:

1) Assigning an employee for a PR in each court

Timeframe: Third Quarter 2003

Responsible Authority: judiciary bodies

2) Incorporate specialized training programs in public/media relations into the uniform training curriculum.

Timeframe: Third Quarter 2003

Responsible Authority: The MOJ in cooperation with the NGO and the National Judiciary Institute (NJI)

2) Elaboration of a conception concerning the relations with the media and the cooperation with the legislative power on matters concerning the judiciary

Action:

1) Applying a curriculum for training for PR

Timeframe: Fourth quarter 2003

Responsible Authority: The NJI

2) Create working linkages between the SJC public relations representative(s) in the curriculum training for PR.

Timeframe: Ongoing beginning Fourth Quarter 2003

Responsible Authority: SJC with cooperation of MOJ and NJI

Medium-term priorities

1. Elaboration of programs, information leaflets and Web sites in order to present the activity of judiciary authorities

Action:

1) Develop a series of informational leaflets for the court work and make them freely available to the public through the courts containing basic information on matters such as court operations, the rights of litigants, procedures for filing claims or obtaining information and other information commonly asked ;

Timeframe: As of the first quarter 2004

Responsible Authority: SJC, the judiciary bodies and the Minister of Justice

2) Create mechanisms for soliciting information from individual courts concerning their operations and other matters of public interest to be posted on the Web sites of the MOJ and SJC and the judiciary bodies;

Timeframe: as of the first Quarter 2004

Responsible Authority: SJC, the judiciary bodies and the Minister of Justice

2) Adoption of a global conception concerning the relations with the media

Action:

Integrate the activities of the public relations representatives at all levels - SJC, MOJ, judiciary bodies.

Timeframe: Current

Responsible Authority: SJC with cooperation of MOJ and judiciary bodies.

- 3) Elaboration of criteria for « evaluation of the impact » of the new normative acts on the functioning of the judiciary

Action:

1) Develop and implement improved planning procedures for legislative initiatives affecting the judiciary and relevant consultations between the parties interested in appropriate terms.

Timeframe: Ongoing half- yearly

Responsible Authority: MOJ in cooperation with SJC.

2) Develop and implement mechanisms for ascertaining the impact of newly adopted legislation/regulation on the operations of the judiciary at specified intervals following its enactment.

Timeframe: Current from the enactment of the relevant act.

Responsible Authority: MOJ with cooperation of SJC and non-governmental sector.

Long-term priorities

- 1. Promoting the public confidence in the judiciary

Action:

1) Consistent improvement of the judiciary bodies operation quality and qualification promotion of the court trials and acts, as well as acquiring transparency and objectivity while informing the public.

Timeframe: Ongoing

Responsible Authority: All judicial bodies

2) Establishment of a sustainable policy for cooperation with the legislative power, the SJC and the MOJ, and constant improvement of the mechanism for coordination and interaction.

Timeframe: Ongoing

Responsible Authority: SJC in cooperation with MOJ and legislature

2) Establishment of a lasting cooperation policy with the legislative power on matters concerning the judiciary

Timeframe: Permanent

Responsible Authority: SJC in cooperation with MOJ, Council of Ministers and the National assembly
