

**SUPREME JUDICIAL COUNCIL**

**CODE OF ETHICAL CONDUCT FOR BULGARIAN PROSECUTORS  
AND INVESTIGATORS**

**PROSECUTORS AND INVESTIGATORS WORKING IN THE JUDICIAL SYSTEM OF THE REPUBLIC OF BULGARIA**, guided by the understanding that the rules of ethical conduct of prosecutors and investigators are an important factor in:

- building greater public confidence in the judiciary;
- protecting human rights and upholding the rule of law;
- preventing and reducing corruption in the judiciary,

undertake as their commitment to Bulgarian society the requirement to implement and enforce in their professional activities and in their personal lives the rules of ethical conduct set forth in this Code.

The Supreme Judicial Council, as the supreme administrative and governing body of the judiciary in the Republic of Bulgaria approves the Code of Ethical Conduct for Bulgarian Prosecutors and Investigators and bears the main responsibility for the implementation of the rules of conduct in the official and non-official activities of the prosecutors and investigators, proclaimed therein.

**FIELD OF APPLICATION**

The Code of Ethical Conduct shall be applicable to all prosecutors, investigators and members of the Prosecutors' College of the Supreme Judicial Council and inspectors from the Inspectorate to the Supreme Judicial Council who, at the date of election, hold the position of "prosecutor" or "investigator". Prosecutors, investigators and inspectors from the Inspectorate to the Supreme Judicial Council, who at the date of election hold the position of "prosecutor" or "investigator" should have a moral obligation to adhere to and observe the principles laid down in the code even after ceasing to perform their position, driven by loyalty and respect for the institution and only to the extent that their behaviour could affect the prestige of the judiciary in society.

## **SOURCES**

The Code has been drafted in accordance with the Constitution of the Republic of Bulgaria, the Judiciary System Act, the recommendations of the Committee of Ministers of the Council of Europe on the status of judges, prosecutors and investigating authorities, the 2002 Bangalore Principles of Judicial Conduct, Opinion of the European Commission on Democracy through Law (Venice Commission) of 15-16 March 2024 regarding the Code of Ethical Conduct of Bulgarian Prosecutors and Investigators, as well as all other national and international acts that regulate the activities of the magistrates in the Republic of Bulgaria.

### **Section I**

#### **BASIC PRINCIPLES**

The Basic Principles set the standards and outline the framework for regulating the conduct of the prosecutors and investigators inside and outside the office they hold.

#### **INDEPENDENCE**

Within the meaning of this Code an independent prosecutor and investigator shall be the one who, in performance of their duties, shall be guided solely by their inner conviction and by the law, and who does not succumb to pressure, threats, incentives, direct or indirect influence from representatives of any other authority, natural and legal persons or organisations.

#### **IMPARTIALITY**

An impartial prosecutor and investigator is the one who establishes the truth of the facts solely on the basis of an objective analysis of the evidence in the case, creates conditions of equality between the parties and their legal representatives, and avoids conduct that could be perceived as privileging, predisposition, bias or prejudice based on race, origin, ethnicity, sex, religion, education, beliefs, political affiliation, personal and social or property status, age, sexual orientation, disabilities.

## **FAIRNESS AND TRANSPARENCY**

A fair prosecutor and investigator is the one who, within the framework of the general and abstract norms of the law, takes into account the particularities of each concrete case and resolves it on the basis of criteria related to common human values and the values of the democratic legal regulation. Transparency in the actions and acts of prosecutors and investigators in the cases provided for by law is a guarantee of the fairness of the decisions made by them.

## **COURTESY AND TOLERANCE**

A courteous prosecutor and investigator is the one who, through his actions and acts, always expresses the respect they owe to the court, their colleagues, court officials, citizens, lawyers, parties and other participants in the process. A tolerant prosecutor and investigator is the one who is open and patient to hearing and accepting new or different arguments, opinions and points of view.

## **INTEGRITY AND DECENCY**

A prosecutor and investigator who outside the law does not accept material or immaterial benefits, regardless of their nature and their source, which may cast doubt on their independence and impartiality. Decency is abstinence from any actions that could compromise the honour of the prosecutor and investigator in the profession and society.

Prosecutors and investigators shall act to protect the public interest and should maintain personal integrity and act in accordance with the law in a fair, impartial and objective manner, respecting and upholding fundamental rights and freedoms, including the presumption of innocence, the right to a fair trial and the principles on the equality of the parties, the separation of powers and the binding force of judicial decisions. Prosecutors and investigators should focus on service in the public interest and address specifically attention to vulnerable persons, children and victims.

## **LOYALTY**

A loyal prosecutor and investigator is the one who behaves in a manner aimed at

establishing and improving the authority and reputation of the institution.

## **COMPETENCE AND QUALIFICATION**

A competent and qualified prosecutor and investigator shall be well-trained prosecutor and investigator who is familiar with the legal framework of the Republic of Bulgaria and the law of the European Union and has developed abilities and skills for their correct application. Competence and qualification are a prerequisite for the proper performance of a prosecutor and investigator's duties and for his professional development.

## **CONFIDENTIALITY**

Prosecutors and investigators shall be confidential when they are discreet and keep as official secret the facts or information which have come to their knowledge in the course of or in connection with the performance of their official duties.

## **Section II**

### **RULES OF ETHICAL CONDUCT ARISING FROM THE BASIC PRINCIPLES**

#### **1. Rules of ethical conduct derived from the principle of Independence.**

1.1. Prosecutors and investigators shall exercise their powers and take their decisions solely on the basis of the law and their inner conviction;

1.2. Prosecutors and investigators shall not allow or submit to any external influence, pressure, threats, direct or indirect interference in their work, regardless of their source, occasion or cause;

1.3. When making decisions, the prosecutors and the investigators are independent and are not influenced by the opinion of their colleagues, but they also do not take actions that would impair their independence. In their work, prosecutors and investigators can receive general instructions on the priorities of the prosecutor's activity, which derive from the law. These instructions must comply with the law and be presented in a completely transparent manner and in writing, and the discussions they may lead to must not affect the prosecutor's personal situation, including their career.

1.4. By their actions and conduct outside the office, the prosecutors and the

investigators should protect and promote in the society the notion of independence of the judiciary, not being influenced - directly or indirectly - by any other authority - public, private, external or internal to the judiciary;

1.5. The prosecutors and investigators shall inform the judicial authorities and the public of any attempt to undermine their independence.

## **2. Rules of ethical conduct derived from the principle of impartiality.**

2.1. Prosecutors and investigators, both in the performance of their duties and off duty, shall respect the dignity of every person and shall not tolerate preference, bias or prejudice based on race, origin, ethnicity, sex, religion, education, belief, political affiliation, personal and social situation, property condition, age, sexual orientation, disabilities;

2.2. Prosecutors and investigators should also assert their impartiality in cases of strong public sentiments of sympathy or antipathy towards participants in proceedings pending before them, resolving the case solely on the basis of the facts and the law;

2.3. In proceedings pending before them, the prosecutors and investigators may not make public statements or comments by which to commit themselves to the ultimate outcome of the case or to create an appearance of bias or prejudice. Outside of court hearings, they may not discuss such proceedings before other participants, lawyers or third parties, except in the cases provided by law;

2.4. The prosecutors and investigators should conduct themselves in a manner that does not directly or indirectly justify their recusal in particular cases;

2.5. The prosecutors and investigators must respect the right of the parties to express their views, arguments and objections in the proceedings in which they participate;

2.6. Prosecutors and investigators shall not provide consultations on legal issues related to their obligations imposed by law and aimed at providing direction in resolving a specific case. prosecutors and investigators shall not give advice on legal matters;

## **3. Rules of ethical conduct derived from the principle of fairness and transparency.**

3.1. Prosecutors and investigators shall pass their acts only when they are convinced that within the law they are fair for all participants in the proceedings. They are particularly careful when dealing with issues of citizens' liberty and

reputation.

3.2. Where the law gives the prosecutors and investigators the discretion to decide certain matters, the guiding principle shall be the requirement of fairness;

3.3. In accordance with the requirements of the law, the prosecutors and investigators should provide the public with useful, timely, understandable and appropriate information;

3.4. Within the framework of the law, the prosecutors and investigators shall ensure the publicity of their actions and decisions, while taking care not to prejudice the legitimate rights and interests of participants in the proceedings;

When making statements in cases and/or files, prosecutors and investigators should ensure that they do not endanger the life or physical integrity of persons participating in the proceedings – victims, witnesses, that they do not violate the presumption of innocence and do not harm the honour and reputation of other persons based solely on assumptions. Prosecutors should ensure that they do not endanger the work of investigators with statements made during the investigation.

3.5. In cases of high public interest, prosecutors and investigators shall present to the public the reasons for their acts, complying with the law, and should exercise discretion and restraint, refrain from expressing political, philosophical or religious beliefs, personal hostility or showing contempt or violence to any person because of engendered antipathy.

#### **4. Rules of conduct derived from the principle of courtesy and tolerance**

4.1. The prosecutor and investigator's conduct in public should be based on good manners and good behaviour, and in public and official contacts they should be courteous and polite;

4.2. The prosecutor and investigator must be honest, fair and courteous, both in their work and in their private life, and must treat people with respect by respecting their rights and freedoms;

4.3. Collegial relations between prosecutor and investigators and judicial officers, regardless of their place in the hierarchy, must be based on mutual respect and tolerance by refraining from any behaviour that damages the reputation of the judiciary.

4.4. Prosecutors and investigators shall create conditions that allow the expression of different points of view by the participants in the proceedings, before issuing their acts, without jeopardizing the efficient and timely administration of justice. They should actively listen and understand the participants while adhering to neutrality and open-mindedness.

## **5. Rules of conduct derived from the principle of integrity and decency**

5.1. With their personal behaviour and sense of responsibility in their work outside their official activities, prosecutors and investigators must set an example of high morals and integrity, they must lead an honest way of life and consistently uphold strong moral and ethical principles and values;

5.2. Prosecutors and investigators may not receive a benefit from third parties that could reasonably be perceived as the result of a compromise with their honesty and fairness in the performance of their professional duties;

5.3. In their public and official contacts, prosecutors and investigators have no right to take advantage of their official position or use their powers for personal gain;

5.4. Honourable prosecutors and investigators do not slander and intrigue towards their colleagues and employees, but openly express their position. For the purposes of reporting violations, prosecutors and investigators use confidential whistleblowing channels in accordance with the Whistle-blowers Protection Act Rules;

5.5. During their career development, prosecutors and investigators must not use personal contacts (connections, intercessions) and take actions that undermine their dignity, assumed/formed by the high social position they occupy and the respect due to them and ethical treatment;

5.6. Prosecutors and investigators must avoid actions and acts that are contrary to the socially established understandings of decency;

5.7. Prosecutors and investigators should refrain from any actions that could compromise their honour in the profession and society;

5.8. Prosecutors and investigators must be of impeccable reputation;

5.9. Prosecutors and investigators must be consistent and unwavering in their compliance with legal and ethical norms

## **6. Rules of conduct derived from the principle of loyalty.**

6.1 Prosecutors and investigators should have behaviour aimed at strengthening and improving the authority and good name of the institution, expressed in a correct and honourable attitude towards colleagues and respect for their opinion and their private life, without affecting their independence

## **7. Rules of conduct derived from the principle of competence and**

## **qualification.**

7.1. Prosecutors and investigators must perform their official duties with priority over any other activity;

7.2. Prosecutors and investigators must strive to improve their professional qualifications and training and must take the necessary measures to maintain and improve their knowledge, skills and personal qualities for the proper performance of their powers.

7.3. Prosecutors and investigators must work on the files and cases for which they are responsible with speed and optimal quality, using the means available to them in a responsible manner. They should make maximum efforts to pronounce within the legally defined time limits.

## **8. Rules of conduct arising from the principle of confidentiality.**

8.1. Prosecutors and investigators are obliged to maintain absolute discretion and official secrecy in their social communication and private life regarding the facts or information that became known to them during or on the occasion of the performance of their official duties and to demand the same from court officials;

8.2. Prosecutors and investigators may not unlawfully use the information that has become known to them in the performance of their functions;

8.3. Prosecutors and investigators can discuss fundamental legal problems, and in such cases they are obliged to keep secret the specific facts of the files and cases, not disclosing information about the private life of citizens or information that damages the interests of individuals or their reputation;

8.4. Prosecutors and investigators do not have the right to publicly express a preliminary opinion on specific files and cases;

8.5. Prosecutors and investigators are free to express personal opinions in the mass media on all matters not expressly prohibited by law.

## **Section III**

### **SPECIFIC RULES OF ETHICAL CONDUCT FOR ADMINISTRATIVE HEADS**

9.1. Prosecutors and investigators in a managerial position shall treat the magistrates and judicial officers subordinate to him *ex officio* with respect and respect for their personal dignity and without allowing or creating the impression of



privilege;

9.2. Prosecutors and investigators in a management position do not succumb to pressure and suggestions of any nature, made in a manner impermissible by law, in cases of appointment, transfer or career growth of their subordinate magistrates. Transparency in their actions in this regard is a guarantee of fairness, objectivity and the best selection;

9.3. Prosecutors and investigators in a management position take care of the organization and activity of the service entrusted to them in a way that achieves the best results. They also ensure the best possible cooperation with other bodies of judicial power and public services, respecting the specific competence of each one of them;

9.4. Prosecutors and investigators in a management position make an effort to be informed about everything that happens in the office they manage, so that they can make the right management decisions and take responsibility. They do not tolerate and promptly cross the manifestations of slander and intrigue. Upon receiving data on committed crimes, as well as reports within the meaning of the Act On The Protection Of Persons Who Report Or Publicly Disclose Breaches (Whistle-blowers Protection Act), it should take the necessary legal measures.;

9.5. Prosecutors and investigators in a management position shall ensure that the acts of their colleagues, administrative staff and officials are drawn up in a timely manner and shall take the necessary measures within their powers;

9.6. Prosecutors and investigators in a management position shall be the main guarantor in affirming the independence of the magistrates in decision-making and in respecting the principle of random allocation of files and cases.

## **Section IV**

### **RULES FOR THE PREVENTION OF CONFLICTS OF INTEREST**

10.1. Prosecutors and investigators shall not participate in proceedings in the presence of a conflict of interest. If such a conflict is suspected, they shall be obliged to declare the facts and, if necessary, withdraw;

10.2. Prosecutors and investigators shall not participate in any way in party-political activities and do not interfere in political or business circles of influence.;

10.3. Prosecutors and investigators may not hold any other position, perform any activity or practice any profession other than those provided for in the Judiciary System Act;

10.4. Prosecutors and investigators may not use their official position to influence

for private gain;

10.5. Prosecutors and investigators shall declare incompatibility and private interests in the cases and within the time limits provided for in the Judiciary System Act;

10.6. Prosecutors and investigators declare their income and property in accordance with the procedure and within the deadlines provided for in the Judicial System Act;

10.7. Prosecutors and investigators shall exercise their freedom of expression and association in a manner that is compatible with the position they hold and that does not affect their independence and impartiality. Prosecutors and investigators shall have the right to participate in public debates related to legal issues, the judiciary and the administration of justice, they shall not comment on current cases and shall not express an opinion that may undermine the authority of the institution.

## **Section V**

### **GUARANTEES OF COMPLIANCE WITH THE ETHICAL RULES OF CONDUCT ESTABLISHED BY THIS CODE**

The main guarantor of compliance and application of the rules of this Code are the prosecutors and investigators themselves through their conviction, commitment and voluntary acceptance and application of the ethical rules of conduct.

The Prosecutor's College of the SJC exercises comprehensive control over the implementation and observance of the Code of Ethics and periodically undertakes actions to renew and update the rules provided for therein. The Commission on Professional Ethics to the Prosecutors' College and the commissions on professional ethics in the system of the Prosecutors' Office of the Republic of Bulgaria exercise direct and immediate control over the implementation and observance of the Code of Ethics. The professional associations of prosecutors and investigators undertake the actions provided for in their statutes in each established case of a violation of these ethical rules of conduct.

The relationship between the prosecution and the courts, the legislative branch, judicial officers, lawyers, victims of crimes, participants in the proceedings is carried out while respecting fundamental rights and freedoms and maintaining polite and correct relations.

Interaction with the legislative and executive branches is carried out without interference in the competences of the respective branch and under the conditions of cooperation and respect.

Prosecutors and investigators should regularly inform the public through the mass

media about their activities and the results thereof, striving to promote and maintain transparency and public trust in the Prosecutors' Office, while respecting legal restrictions.

When the prosecutors and the investigators are subject of unfair media attack, they benefit from institutional protection through an institutional response from the Prosecutors' College.

**Section VI**  
**FORMATION AND STATUS OF THE COMMITTEES FOR**  
**PROFESSIONAL ETHICS IN THE PROSECUTION SYSTEM OF THE**  
**REPUBLIC OF BULGARIA**

The formation, organization and activities of the Professional Ethics Committees in the system of the Prosecutors' Office of the Republic of Bulgaria shall be governed by Rules adopted by the Supreme Judicial Council.

§ 1. The Code of Ethical Conduct of Bulgarian Prosecutors and Investigators was adopted pursuant to Art. 30, Para. 5, point 23 of the Judiciary System Act with decision under protocol No. 39 of 25.10.2023. of the Prosecutors' College of the Supreme Judicial Council and approved by Decision under protocol No. 30 of 30.10.2023 of the Plenum of the Supreme Judicial Council; amended by a decision of the Prosecutors' College according to protocol No. 42/04.12.2024, approved by a decision of the Plenum of the Supreme Judicial Council under Protocol No. 15/12.12.2024.