

ORDINANCE No. 1 of 9.02.2017 for magistrates' competitions and for the election of administrative heads in the authorities of the judiciary

Issued by the Chairman of the Supreme Judicial Council, promulgated, SG No. 17 of 21.02.2017, with entry into force on 21.02.2017; am. By Decision No. 915 of 22.01.2019 the Supreme Administrative Court of the Republic of Bulgaria – No. 10 of 1.02.2019, with entry into force on 1.02.2019; am. and supplements, No. 37 of 7.05.2019.

Chapter One GENERAL PROVISIONS

Article 1. This Ordinance shall regulate the terms and conditions for the conduct of:

1. competitions for the appointment of junior judges, junior prosecutors and junior investigators;

2. competitions for the initial appointment of judges in the district, regional, military and administrative courts and the specialized criminal court, prosecutors in the district and regional prosecutor's offices, as well as investigators in the regional investigation units;

3. transfer competitions and competitions for the promotion of judges, prosecutors and investigators;

4. elections for administrative heads except for the persons under Art. 167, paragraph (1), point (1) of the Judiciary System Act.

Article 2. Administrative heads shall notify the relevant college of the Supreme Judicial Council of the posts expected to be released in the following year by 30 September of the preceding year.

Article 3. The vacant positions for junior judges, junior prosecutors and junior investigators for initial appointment, as well as posts for which a competition for promotion or transfer is held, shall be announced by decision of the respective college of the Supreme Judicial Council. The decision shall be promulgated in the State Gazette, published in one central daily newspaper and on the website of the Supreme Judicial Council.

Article 4. Simultaneously with the decision under Art. 3 and after planning the positions to be occupied, the relevant college of the Supreme Judicial Council announces competitions for their occupation. Planning takes into account the level of workload of the relevant authority of the judiciary, the financial security of the vacant positions, structural changes, the prospects for taking up vacant positions by junior judges, junior prosecutors and junior investigators, depending on which a competition for all vacant positions may not be announced.

Article 5. (1) (Am. – SG, No. 37 of 2019) The relevant college of the Supreme Judicial Council determines up to 10 per cent of the number of vacant positions in the court, the prosecutor’s office and the investigative authorities for occupying them through a competition for initial appointment. Percentages are determined individually according to the needs of each authority of the judiciary for each of the levels in the court, the prosecutor’s office and the investigative authorities. Needs are determined by a motivated decision of the respective college of the Supreme Judicial Council based on an evaluation of the personnel security of each authority of the judiciary, an assessment of the workload and the opinions of the administrative heads.

(2) The relevant college of the Supreme Judicial Council shall determine not less than 80 per cent of the number of vacant positions as of the date of announcement of the competition for each individual authority of the judiciary in the court, the prosecutor’s office and the investigative authorities for their occupation by promotion.

(3) The remaining vacant positions are taken through a transfer competition. When there are no candidates for transfer, vacancies are occupied through a promotion competition.

(4) The vacant positions in the courts, prosecutor’s offices and investigative authorities, other than those under Art. 178 of the Judiciary System Act, shall be announced by the respective college of the Supreme Judicial Council in accordance with Art. 179 of the Judiciary System Act separately for each authority of the judiciary and held after a competition. If there is no candidate for the respective position, this position shall be occupied in accordance with Art. 178 of the Judiciary System Act. The announcement under Art. 189, paragraph (1) of the Judiciary System Act shall be made simultaneously with the announcement of the vacant positions for initial appointment and shall contain the number and type of the positions and the authorities of the judiciary to which they refer.

Article 6. (1) The decision of the respective college of the Supreme Judicial Council announcing a competition for junior judges, junior prosecutors, junior investigators, as well as initial appointment, shall be promulgated in the State Gazette, published in one central daily newspaper and on the website of the Supreme Judicial Council.

(2) The decision contains:

1. the number and type of positions and the authorities of the judiciary to which they refer;
2. specialization by legal branch of the positions for which a competition has been announced, if such has been established in the respective authority of the judiciary;
3. the documents required, the deadline and the place of their submission;
4. the order in which the competition takes place;
5. the date, time and venue of the competition.

(3) The decision of the relevant college of the Supreme Judicial Council announcing a competition for promotion and transfer in the authorities of the judiciary shall be promulgated in the State Gazette, published in one central daily newspaper and on the website of the Supreme Judicial Council in accordance with paragraph (2), points (1), (2), (3), and (4).

Article 7. (1) The Plenum of the Supreme Judicial Council approves:

1. the compendiums of questions from the respective branches of law under Art. 184, paragraph (2) of the Judiciary System Act for the appointment of junior judges, junior prosecutors and junior investigators and at initial appointment;

2. a syllabus for examining the knowledge of European Union law and human rights on the basis of which the tests shall be developed by the selection boards;

3. written examination syllabuses in the promotion or transfer competitions in the cases of Art. 189, paragraph (4) of the Judiciary System Act;

4. the compendiums of questions on the Code of Ethics of the Bulgarian Magistrates.

(2) All confirmed syllabuses shall be published on the website of the Supreme Judicial Council.

Article 8. (1) The procedure for the selection of candidates for administrative heads, with the exception of the President of the Supreme Court of Cassation, the President of the Supreme Administrative Court and the Prosecutor General, shall be opened by the respective college of the Supreme Judicial Council no earlier than three months and no later than one month before the expiration of the mandate or within 7 days from a circumstance occurring under Art. 175, paragraph (1) of the Judiciary System Act.

(2) The vacant positions for administrative heads in the authorities of the judiciary shall be announced by the respective college of the Supreme Judicial Council by a decision which shall be promulgated in the State Gazette and published on the website of the Supreme Judicial Council, and shall be taken after the selection.

(3) The decision under paragraph (2) contains the authority of the judiciary in which the position of “administrative head” is dismissed, the documents, deadline and place for their submission.

Article 9. The organization of conducting competitions and elections for administrative heads is assisted by the administration of the respective college of the Supreme Judicial Council. The Secretary-General of the Supreme Judicial Council appoints the officials who provide organizational and technical assistance for the selection boards’ activities during the competitions.

Chapter Two
**CENTRALIZED COMPETITIONS FOR YOUNG JUDGES,
YOUNG PROSECUTORS AND YOUNG
INVESTIGATORS. CENTRALIZED COMPETITIONS
FOR INITIAL APPOINTMENT**

Section I

**Terms and conditions for applying for and admitting to a
competition for junior judges, junior prosecutors and junior
investigators and a competition for initial appointment**

Article 10. (1) Competitions shall be open to persons who have submitted the necessary documents and meet the requirements of Art. 162 of the Judiciary System Act, as for the initial appointment they should also have the length of service in accordance with Art. 164 of the Judiciary System Act.

(2) Candidates who have been approved pursuant to Art. 186, paragraph (7) of the Judiciary System Act by a decision of the respective college of the Supreme Judicial Council cannot participate in the competitions.

Article 11. (1) Candidates submit a written application for participation in the competition in a form approved by the Plenum of the Supreme Judicial Council, within 14 days of the date of promulgation of the decision under Art. 3 in the State Gazette.

(2) The application shall be accompanied by:

1. a detailed CV signed by the candidate;
2. a notarized copy of the higher education diploma in law; higher education graduates at a foreign higher education institution present a diploma, legalized and recognized by the Ministry of Education and Science, and expressed in the six-point scale;
3. a notarized copy of certificate for acquired legal capacity;
4. (repealed – SG, No. 37 of 2019);
5. a medical certificate issued as a result of a carried out medical examination that the person does not suffer from a mental illness, and a medical certificate that the person does not figure in register;

6. a notarized copy of a record of service/professional booklet and/or social security book or other document certifying the relevant length of service under Art. 164 for the post;

7. at least two recommendations from professors of law, judges, prosecutors, investigators, attorneys or other lawyers who have been trained to acquire legal capacity and who have knowledge of the candidate's moral and professional qualities;

8. a completed questionnaire drawn up by the relevant college of the Supreme Judicial Council in connection with the moral qualities possessed by the candidate;

9. a cover letter;

10. other documents which, at the candidate's discretion, are relevant to his or her professional or moral qualities.

(3) A candidate for an initial appointment competition may designate several authorities of the judiciary at his or her participation in one competition which shall be arranged according to his or her preferences.

(4) The application and the attached documents shall be submitted personally by the candidate or by his or her authorized representative in the administration of the Supreme Judicial Council. Applications submitted after the deadline will not be accepted.

Article 12. (1) In the administration of the Supreme Judicial Council, the documents of each candidate receive an incoming number and date.

(2) The Committee on Attestation and Competitions of the respective college shall carry out an inspection of the documents and shall admit to the competition all candidates who meet the conditions under Art. 181 of the Judiciary System Act, have the length of service under Art. 164 of the Judiciary System Act for the announced vacant position as of the date of submitting the documents and have not been candidates approved pursuant to Art. 186, paragraph (7) of the Judiciary System Act by a decision of the respective college of the Supreme Judicial Council.

(3) The lists of the persons admitted and not admitted to participate in the competition include the incoming number of their documents and are announced on the website of the Supreme Judicial Council within 14 days before the date of the competition. The list of persons not admitted to the competition shall also state the reasons for this.

(4) Candidates not admitted to the competition may challenge their non-admission to the respective college of the Supreme Judicial Council within three days of the announcement of the list under paragraph (3) on the website of the Supreme Judicial Council.

(5) Within 7 days from the receipt of the complaint, the relevant college of the Supreme Judicial Council shall pronounce by a decision that it rejects the complaint or admits the candidate. The decision is announced on the website of the Supreme Judicial Council.

(6) The decision under paragraph (5) may be appealed before the Supreme Administrative Court within 7 days of its announcement (the date of its publication on the website of the Supreme Judicial Council).

(7) The Supreme Administrative Court shall consider the complaint within 7 days in a closed session, copies of which shall not be served on the parties. The court's decision is final.

(8) The appeal under paragraphs (6) and (7) stops execution.

(9) Correction of an obvious factual error is admitted by the Committee on Attestation and Competitions ex officio or at the request of the person concerned within three days from its tracking down, respectively its referral. The decision is immediately announced on the website of the Supreme Judicial Council.

Section II

Selection boards

Article 13. (1) The competition is conducted by a competition board consisting of a Chairman, four regular members and three alternates.

(2) Depending on the number of candidates, the respective college of the Supreme Judicial Council may also designate more than one selection board for conducting one competition.

(3) Members of the Supreme Judicial Council and administrative heads can not participate in the selection boards.

(4) Regular members of the selection board shall include one representative of the Committee on Attestation and Competitions to the relevant college of the Supreme Judicial Council, with the status of acting judge, prosecutor or investigator selected by lot, one scientist having academic rank in law on the matter concerned who shall be elected by a publicly drawn lot from the list of lecturers provided by the faculties of law at higher education institutions, as well as three members with the status of acting judge, prosecutor or investigator defined, as follows:

1. when conducting a competition for junior judge and initiall appointing a judge at a district court – proposed on a competitive basis by the general meetings of the judges from the regional courts for each appellate region; judges from regional courts in one appellate district hold one general meeting;

2. when conducting a competition for the initial appointment of a judge at a regional court – proposed on a competitive basis by the general meetings of all appellate courts;

3. when conducting a competition for the initial appointment of a judge at an administrative court – from the Plenum of the judges of the Supreme Administrative Court, determined by lot for each competition;

4. when conducting a competition for junior prosecutor and initially appointing a prosecutor at a district prosecutor's office – from the prosecutors' meetings in all regional prosecutor's offices for each appellate district;

5. when conducting a competition for the initial appointment of a prosecutor at a regional prosecutor's office – from the meetings of the prosecutors of all appellate prosecutor's offices;

6. when conducting a competition for junior investigator and initially appointing an investigator – from the investigators' meeting at the National Investigation Service.

(5) From the proposals made by the authorities under paragraph (4), points (1), (2), (4), (5) and (6), the respective college of the Supreme Judicial Council shall elect members of the selection board by lot. The members of the selection board must have acquired a status of irremovability, have not been subject for the last 5 years to any disciplinary punishment under Art. 308, paragraph (1), points (3), (4), (5) and (6) of the Judiciary System Act with a decision entered into force, and have a rank equal to or higher than the rank of the vacant position announced.

(6) The authorities under paragraph (4), points (1), (2), (4), (5) and (6) shall offer to the respective college of the Supreme Judicial Council not less than 50 per cent of the magistrates of its staff working for members-participants in the selection boards every three years. Participants can be offered more than once.

(7) Alternate members include: 1 representative of the Committee on Attestation and Competitions with the status of an acting magistrate, 1 scientist having academic rank in law in the relevant field, and 1 member with the status of an acting judge, prosecutor or investigator.

(8) The selection board shall elect a Chairman among its members with the status of an acting judge, prosecutor or investigator. The Chairman of the selection board supervises its work, monitors compliance with the conditions for conducting the competition, and announces the beginning and end of the examination day.

(9) A regular member or an alternate of a selection board may file a written challenge to the respective college of the Supreme Judicial Council within three days of the announcement of the decision on reasonable grounds.

(10) Participation in the selection board shall be taken into account when drawing up an attestation and determining the workload of the judge, prosecutor or investigator concerned.

(11) The decision to designate a magistrate as a member of a selection board shall be applied ex officio to his staff file.

(12) For participation in a selection board, a fee is paid, determined and paid by the Plenum of the Supreme Judicial Council. The members of the selection board shall be seconded until the

end of the competition, during which time they shall be exempted from attending court hearings and shall be excluded from the allocation of cases during the competition.

Article 14. If a regular member of the selection board is unable to participate, he or she shall be replaced by an alternate appointed by the board's Chairman. In the Chairman's absence, his or her duties shall be assumed by a board member in accordance with the rules by seniority under Art. 237 of the Judiciary System Act.

Article 15. Where more than one board is designated for one competition, all boards shall conduct the oral examination at the same time and in the same place.

Article 16. The selection board adopts its decisions in attendance by a majority of more than half of the total number of its members.

Section III

Conduct of the competition examination

Article 17. (1) Competitions for junior judges, junior prosecutors and junior investigators and for initial recruitment include a written and oral examination, the assessments being based on the six-point scale.

(2) On the written examination, which is anonymous, the following is checked:

1. candidates' skills for practical application of theoretical knowledge, by solving a case study in the respective legal branch, as well as

2. knowledge of European Union law and human rights field through a test.

Article 18. (1) The pass of the candidates in the building and the examination room, respectively, starts at least 1 hour before the examination begins. Depending on the number of candidates, the written examination may be held in more than one room at a pre-arranged distribution. Candidates are required to appear in the room and take up their seats at least 15 minutes before the examination begins.

(2) Candidates are admitted to the room after presenting an ID card and by signing in an attendance list.

(3) During the written and oral examination, candidates can only use legislative acts. If the use of court and interpretative judgments as well as other case law is found, selfsame shall be seized and the candidate removed from further participation in the competition, for which a record is drawn up.

(4) Bringing computers, mobile phones and other technical means is not allowed. In the event that during check such devices are found in a candidate, he or she will not be admitted to the room for the written examination. Where a violation is found, the selection board shall remove the candidate from further participation in the competition, for which a record is drawn up.

(5) If attempts are made to copy or hint and if the quaestors' instructions are not followed,

the offender shall be removed from further participation in the competition, for which a record is drawn up.

(6) The written examination lasts 5 astronomical hours, not including the time for reading and recording or giving the case study and the test.

Article 19. (1) When conducting a competition for junior judges and a competition for initial appointment in the district courts, the selection boards compile 5 case studies of criminal law and 5 case studies of civil law, as the same should be on cases where there are no contradictory decisions and there is a ruling of the cassation instance.

(2) When conducting a competition for junior prosecutors and junior investigators and for initial appointment in the prosecuting authorities, the selection boards compile 10 case studies of criminal law, selected by the order of paragraph (1).

(3) When conducting a competition for initial appointment in the regional and administrative courts, the selection boards compile 10 case studies of the matter concerned, selected by the order of paragraph (1).

(4) When conducting competitions for junior judges, junior prosecutors and junior investigators and competitions for initial recruitment, the selection boards compile 10 tests, each with 12 questions from EU law and human rights.

(5) In the event under Art. 13, paragraph (2) case studies and tests shall be drawn up jointly by all the boards designated to conduct the examination.

(6) The compiled case studies and tests placed in separate opaque envelopes shall be submitted to the Supreme Judicial Council administration in a common sealed envelope no later than 3 days prior to the examination, for which a take-over record is drawn up.

(7) Following the announcement of the start of the written examination, one of the candidates for junior judges and for initial appointment in the district courts randomly draws one case study of criminal law and one of civil law, and one of the ten tests. The same candidate opens two more envelopes of each matter concerned and two more tests, and after a comparison, announces whether the case studies and tests are different from the ones drawn.

(8) Following the announcement of the start of the written examination, one of the candidates for junior prosecutors and for junior investigators and for initial appointment in the prosecuting authorities and in the regional and administrative courts randomly draws the case study and the test on which the examination is held. The same candidate opens two more envelopes with case studies and tests and, after a comparison, announces whether the case studies and tests are different from the case study drawn.

(9) Each candidate in the competition for junior judges and initial appointment in the district courts solves, at his or her own choice, one of the two case studies and tests, candidates for junior

prosecutors and junior investigators and for initial appointment in the regional prosecutor's offices and the regional and administrative courts solve the case study and the test on previously received white sheets sealed with the seal of the Supreme Judicial Council. Candidates can write during the examination only with a blue color pen. After the end of the examination is announced, the unused sheets are submitted to the board.

Article 20. (1) After completing their casework and test or expiration of the examination, each candidate writes on a pre-submitted sheet his or her three names, the uniform civil number, the incoming number issued by the Supreme Judicial Council administration, and the examination date. The candidate seals the sheet in a small, opaque envelope.

(2) Written work is sealed by the candidate's own hand in a large envelope, in which the sealed small envelope is placed. In this form, the candidate submits it to the board.

(3) Publicly and in the presence of the competition board, in the Supreme Judicial Council administration on the principle of chance, the large envelopes are unsealed, and the same number shall be written on the small envelope, the large envelope and the written work.

(4) Small envelopes are made available for storage to the Secretary-General of the Supreme Judicial Council, for which a take-over record is drawn up and the large envelopes together with the written works remain in the board for evaluation.

Article 21. (1) Before opening the envelopes with the written works, the competition boards solve the case studies and tests drawn. These answers serve as criteria for evaluation.

(2) Upon completion of the evaluation, the examination board checks the integrity of the small envelopes, unseals them, identifies the written works and books the marks in a record.

(3) The results of the written examination shall be announced at a publicly accessible place in the building of the Supreme Judicial Council and on the website of the Supreme Judicial Council within three days of the signing of the minutes by the examination board.

(4) By announcing the results under paragraph (3) the selection board publishes the case studies and tests drawn and their answers.

Section IV

Evaluation and ranking of the candidates

Article 22. (1) An oral examination is admitted to a candidate who has received a mark of not less than a very good "4.50" on the case study and the test, defined as the arithmetic mean of the case study and test marks.

(2) The selection board shall draw up a schedule of incoming numbers for the time and place of the oral examination which shall be announced at a visible place in the building of the Supreme Judicial Council and on the website of the Supreme Judicial Council within three days of the announcement of the results of the written examination.

(3) The oral examination shall be held no earlier than 7 days after the announcement under paragraph (2).

(4) At the oral examination in competitions for junior judges and for initial appointment in the district courts, the candidates' knowledge is examined by interview, by drawing one question from the civil law, one question from the criminal law, and one from the Code of Ethics of the Bulgarian Magistrates.

(5) At the oral examination in the competitions for initial appointment in the regional and administrative courts, the candidates' knowledge is examined by interview, by drawing two questions from the matter concerned and one question from the syllabus on the Code of Ethics of the Bulgarian Magistrates.

(6) At the oral examination in the competitions for junior prosecutors, junior investigators and for initial appointment in the regional prosecutor's offices, the candidates' knowledge is checked by interview, by drawing two questions from the criminal law and one question from the syllabus on the Code of Ethics of the Bulgarian Magistrates.

(7) During the oral examination, an audio recording is made, which is kept until the entry into force of the decision of the Supreme Judicial Council's respective college for the appointment of the ranked candidates. If necessary, the audio recording is also transcribed on paper. In case of dispute, the audio recording is attached to the transcript.

Article 23. When more than one examination board is designated for one competition, at the beginning of the examination day the boards are distributed by rooms by a lot drawn in the candidates' presence, for which a record is drawn up.

Article 24. (1) Written works are examined and evaluated anonymously by two members of the selection board, independently of each other, without mutual consultation and without exchanging information about their evaluations. Written work shall not be marked.

(2) Written works are evaluated by examiners by the six-point scale with an accuracy of 0.25.

(3) Each examiner writes in his or her individual record, against the number of the written work, the mark awarded by him or her.

(4) Individual records are forwarded to the board's Chairman for the preparation of the final record, which shall be signed by the board members.

(5) Where the difference between the two examiners' marks is up to one unit, the final mark is the arithmetic mean between the two marks.

(6) When the difference in the marks is more than one unit, the written work is also checked by a third examiner – member of the board, appointed by its Chairman. The final mark is an arithmetic mean between the three marks.

Article 25. (1) When evaluating the oral examination, each board member evaluates the candidate's qualities based on his or her answers by the six-point scale, with a precision of 0.25, as immediately following the interview, in the presence of the candidate, book down his or her marks in an individual record.

(2) The evaluation of the candidates on the oral examination represents an arithmetic average of the marks of all members of the selection board. The mark is immediately announced to the candidate, for which he or she shall sign in the record of results of the examination held.

(3) The selection board shall announce the results of the oral examination within 7 days of its conduct at a publicly accessible place in the building of the Supreme Judicial Council and on its website on the internet.

(4) For passed the oral examination is considered a candidate received a mark not less than good "4.00".

Article 26. (1) The selection board shall make the final ranking of the candidates by arranging them by grades in accordance with the results of their presentation and shall book it in a record to be signed by all members of the selection board.

(2) Each candidate's grades are a sum of both marks on the written and oral examination.

(3) When several candidates have equal grades, the selection board ranks the candidate with higher overall grades from the state examinations.

(4) The ranking is published on the website of the Supreme Judicial Council within 7 days of its preparation.

(5) Lists of ranked candidates for junior judges, junior prosecutors and junior investigators are simultaneously announced on the website of the Supreme Judicial Council.

Section V

Approval of successful candidates for junior judges, junior prosecutors and junior investigators

Article 27. (1) Within 7 days of the announcement of ranking, the candidates shall submit to the Supreme Judicial Council the declarations under Art. 19a, paragraph (1) of the Judiciary System Act. The Professional Ethics Commission of the relevant college of the Supreme Judicial Council shall provide information to the college about the moral qualities of the ranked candidates within the announced competition positions and the same number of candidates following in the order of ranking, and shall prepare an opinion for each of them.

(2) On the basis of the results of the ranking under Art. 24 and the opinion under paragraph

(1), the selection board proposes to the respective college of the Supreme Judicial Council to approve the candidates for junior judges, junior prosecutors and junior investigators.

Article 28. (1) The respective college of the Supreme Judicial Council adopts a decision approving the candidates on the basis of the inspection of the Committee on Attestation and Competitions as to whether the qualified candidates meet the requirements of Art. 162 and Art. 185, paragraph (1) of the Judiciary System Act. The inspection shall be carried out on the basis of all documents submitted by the candidate and by the respective college's Professional Ethics Commission.

(2) The respective college of the Supreme Judicial Council does not approve a candidate for whom it has found he or she not meet the requirements under Art. 162 and Art. 185, paragraph (1) of the Judiciary System Act, as in his or her place it count in the next ranked candidate.

(3) By the same decision, the relevant college of the Supreme Judicial Council shall determine the date and time at which all candidates on the lists should appear in person to make a written request for their willingness to be appointed on the respective position, which shall be announced on the website of the Supreme Judicial Council.

(4) In case of impossibility of a candidate for junior judge, junior prosecutor or junior investigator to attend personally, he or she may in writing authorize his or her representative to participate in the procedure under paragraph (3) and declare his or her desire in his or her name.

(5) Approved candidates for junior judges, junior prosecutors and junior investigators shall explicitly state in writing to the respective college of the Supreme Judicial Council their willingness to be appointed to the respective position in the order according to the grades under Art. 186, paragraph (1) of the Judiciary System Law, as each of the following candidates shall choose from the other vacant positions. An candidate who does not express his or her willingness is replaced by the next ranked and approved candidate.

(6) The procedure for selecting the positions of candidates for junior judges, junior prosecutors and junior investigators is held in parallel, at a joint meeting of the Committees on Attestation and Competitions at the Judicial and Prosecutors College of the Supreme Judicial Council.

(7) A candidate who participates simultaneously in competitions for junior judges, junior prosecutors and junior investigators shall choose which of the procedures he or she will continue to participate, at the latest at the time when he or she has to declare his or her willingness to take up a position on one of them.

(8) By decision, the relevant college of the Supreme Judicial Council adopts the final list of approved candidates for junior judges, junior prosecutors and junior investigators on the respective positions according to their stated wish.

(9) Any interested party may appeal the decision of the relevant college of the Supreme

Judicial Council under Art. 186, paragraph (7) and Art. 186a, paragraph (6) of the Judiciary System Act within 7 days of its announcement. The appeal shall suspend the decision enforcement unless the court decides otherwise. The court's decision is final.

(10) Within one month from the entry into force of the decision under paragraph (9) candidates shall submit a declaration of the circumstances under Art. 195, paragraph (1) of the Judiciary System Act.

(11) When the decisions under paragraph (8) are not appealed, the lists of approved candidates for junior judges, junior prosecutors and junior investigators are final and the respective college of the Supreme Judicial Council does not re-pronounce on them.

(12) After entry into force of the decisions under paragraph (8) final lists are published on the website of the Supreme Judicial Council and sent to the National Institute of Justice for inclusion in the course under Art. 249, paragraph (1), point (1) of the Judiciary System Act.

(13) If a candidate refuses to start the course at the National Institute of Justice, the relevant college of the Supreme Judicial Council completes the list of the next ranked candidate who has agreed to start the course. The refusal must be submitted in writing not later than 14 days before the announced commencement of the course for the respective year.

Section VI

Appointment of successful candidates for initial appointment

Article 29. (1) The ranked candidates in the competition for initial appointment shall submit to the Supreme Judicial Council within 7 days from the announcement of ranking to the Professional Ethics Commission in the respective college the declarations under Art. 19a of the Judiciary System Act.

(2) The Professional Ethics Commissions at the colleges of the Supreme Judicial Council analyze the documents under Art. 19a, Art. 181, paragraph (4), points (1), (7), (8) and (9) of the Judiciary System Act, carry out inspections under Art. 37, paragraph (9) of the Judiciary System Act for the first three candidates ranked for the respective vacant position, prepare a reasoned opinion for each candidate under Art. 162, point (3) of the Judiciary System Act and submit it to the respective college of the Supreme Judicial Council.

(3) On the basis of the examination results, the opinion under paragraph (1) and the order of the positions nominated to be occupied by the candidate, the Committee on Attestation and Competitions makes to three consecutive rankings which are published on the website of the Supreme Judicial Council. After each ranking, candidates for the respective position declare in writing within 3 days of the announcement:

1. willingness to occupy the position at which they are ranked without the right to participate in the next ranking;

2. willingness to occupy the position at which they are ranked, with the possibility of reranking to a previously stated wish;

3. refusal of occupying the position and participation in the ranking.

(4) After the conduct of the three rankings, the Committees on Attestation and Competitions submit to the respective college of the Supreme Judicial Council a proposal for initial appointment in the relevant authorities of the judiciary.

(5) Within 7 days from submitting the proposal under paragraph (4) candidates shall submit a declaration of the circumstances under Art. 195, paragraph (1) of the Judiciary System Act.

Article 30. (1) The respective college of the Supreme Judicial Council adopts a decision on the appointment of the candidates in order of ranking until the places for which the competition has been announced are filled.

(2) When adopting the decision under paragraph (1) the respective college of the Supreme Judicial Council shall verify as of whether the candidate ranked first meets the requirements of Art. 162 and 164 of the Judiciary System Act. The inspection shall be carried out on the basis of the documents submitted by the candidate. During the inspection, the relevant college of the Supreme Judicial Council also takes into account the opinion of the Professional Ethics Commission in the respective college.

(3) The relevant college of the Supreme Judicial Council, by decision, refuses to appoint a candidate for whom it has found that he or she does not meet the requirements under Art. 162, 164, Art. 184, paragraph (4) and Art. 185, paragraph (1) of the Judiciary System Act.

(4) Any interested party may appeal the decision of the relevant college of the Supreme Judicial Council under Art. 186, paragraph (7) and Art. 186a, paragraph (6) of the Judiciary System Act within 7 days of its announcement. The appeal shall suspend the entry into force of the decision unless the court decides otherwise.

(5) The Supreme Administrative Court shall consider the appeal in open session and shall deliver a decision within one month of its submission to court together with the administrative file, calling upon the complainant, the administrative body and the persons concerned. The court's decision is final.

Chapter Three

COMPETITIONS FOR TRANSFER AND PROMOTION OF JUDGES, PROSECUTORS AND INVESTIGATORS

Section I

Terms and conditions for applying and admission to competitions

Article 31. (1) Promotion is a transfer to a position of higher rank in the same type of authority of the judiciary.

(2) In cases other than those provided under paragraph (1) the transfer is a passage to a position of equal or lower rank of the judge – in another court, of the prosecutor – in another prosecutor's office, and of the investigator – in another investigation unit.

(3) The transfer of the judge to a position of prosecutor or investigator, of the prosecutor – to a position of judge or investigator, and of the investigator – to a position of judge or prosecutor, shall be done through a promotion or transfer competition, also including a knowledge examination for occupying the respective position through a written examination on a syllabus.

(4) Both transfer competitions and promotion competitions are held at least once a year for each of the levels in a court, prosecutor's office and investigation. When there are no candidates for transfer, vacant positions are occupied by a promotion competition.

(5) Competitions for the higher authorities of the judiciary are announced by decision and are held prior to the announcement of competitions for lower-level authorities. In the event that competitions for the higher authorities are not concluded within three months by a decision of the respective college of the Supreme Judicial Council, the competitions for the lower-level authorities shall be announced.

Article 32. A candidate for occupation of a position under Art. 189, paragraph (1) of the Judiciary System Act may be a judge, prosecutor or investigator who has the length of service under Art. 164 of the Judiciary System Act for the announced vacant position and has served at least three years in the position occupied.

Article 33. (1) To participate in the competition, the interested judge, prosecutor or investigator shall submit a written application in a form approved by the Plenum of the Supreme Judicial Council within 14 days from the date of promulgation under Art. 3 in the State Gazette.

(2) The application and the documents attached shall be submitted personally by the candidate or by his authorized representative in the administration of the Supreme Judicial Council. Applications submitted after the deadline will not be accepted.

(3) The application shall be accompanied by:

1. a certificate form issued by the administrative head certifying, as of the date of promulgation of the decision to announce the competition in the State Gazette, the candidate's total length of legal service, his or her length of service in the position held, as well as the length of service in the relevant system of the authorities of the judiciary;

2. a personnel reference by the administrative head of the relevant authority of the judiciary (in a form), accompanied by information on the results of the inspections of the higher authorities of the judiciary and the Inspectorate to the Supreme Judicial Council, and a reference of the cases examined and closed by the candidate and files during the last three years of his or her operations;

3. a copy of three acts drawn up by the candidate during the last three years of his or her operations, on closed cases and files he or she has selected;

4. other documents at his or her request, related to the professional and moral qualities he or she has.

(4) In the absence of an up-to-date attestation, the candidate should make an offer to initiate an extraordinary attestation procedure under Art. 196, paragraph (1), point (4) in connection with Art. 197, paragraph (5), point (1) of the Judiciary System Act.

Article 34. In the administration of the Supreme Judicial Council each candidate's applications receive an incoming number and date. The application data shall be accompanied by the ex officio attached data of the candidate's personnel affairs and the form of his or her latest attestation.

Article 35. (1) The Committee on Attestation and Competitions in the relevant college shall check the documents of all candidates.

(2) The list of all candidates, including the full names, the candidates' position and the incoming number of the documents, is announced on the website of the Supreme Judicial Council on the internet as for the candidates who do not meet the conditions, the basis for this shall be mentioned.

(3) Lists of the persons admitted and not admitted to the competition shall be announced in accordance with paragraph (2) not less than 14 days before the competition date.

(4) The list of persons not admitted to the competition shall also indicate the basis for non-admission.

(5) Within three days following the announcement of the lists, candidates who have not been admitted may make a written objection to the relevant college of the Supreme Judicial Council.

(6) The act of the respective college of the Supreme Judicial Council is subject to appeal under Art. 182, paragraph (6) of the Judiciary System Act. The appeal stops execution.

Section II

Selection boards

Article 36. (1) The relevant college of the Supreme Judicial Council shall every time

designate one selection board for conducting competitions for each of the levels in the court, the prosecutor's office and the investigation units, and in case of specialization – one selection board for each legal branch, separately for judges, prosecutors and investigators. The boards consist of a Chairman, four regular members and three alternates.

(2) Members of the Supreme Judicial Council and administrative heads can not participate in the selection boards.

(3) The regular members of the selection board shall include one representative of the Committee on Attestation and Competitions in the respective college of the Supreme Judicial Council with the status of acting judge, prosecutor or investigator and one scientist having academic rank in law of the matter concerned with an academic position of Associate Professor or Professor who are elected by lot, as well as three members with the status of acting judge, prosecutor or investigator determined as follows:

1. when conducting a competition for the transfer of a judge to a district court – on competition matter from the general meetings of the judges from the regional courts for each appellate region; judges from district courts in one appellate region hold one general meeting;

2. when conducting a competition for the promotion and transfer of a judge to a district court – on competition matters from the general meetings of all appellate courts;

3. when conducting a competition to promote and transfer a judge to an administrative court – from the Plenum of the judges in the Supreme Administrative Court by drawing lots among them for each competition;

4. when conducting a competition to promote and transfer a judge to an appellate court – on competition matter by the Plenum of the judges at the Supreme Court of Cassation by drawing lots among them for each competition;

5. when conducting a competition for promotion and transfer of a judge to the Supreme Court of Cassation and the Supreme Administrative Court - on competition matters by the plenums of the judges of the Supreme Court of Cassation and the Supreme Administrative Court by drawing lots among them for each competition;

6. for conducting a competition for the transfer of a prosecutor in a regional prosecutor's office – from the prosecutor's meetings in all regional prosecutor's offices for each appellate region;

7. for conducting a competition to promote and transfer a prosecutor to a regional prosecutor's office – from the prosecutors' meetings in all appellate prosecutor's offices;

8. when conducting a competition for promotion and transfer of a prosecutor in an appellate prosecutor's office – from the prosecutors' meeting at the Supreme Cassation Prosecutor's Office

by drawing lots among them for each competition;

9. when conducting a competition for the promotion and transfer of a prosecutor at the Supreme Prosecutor's Office of Cassation and the Supreme Administrative Prosecutor's Office - from the meetings of the prosecutors at the Supreme Prosecutor's Office of Cassation and the Supreme Administrative Prosecutor's Office through a lot of them for each competition;

10. to hold a competition for the promotion and transfer of an investigator to the regional investigation unit and to the National Investigation Service – from the investigators' meeting in the National Investigation Service.

(4) The authorities under paragraph (3), points (1), (2), (6), (7) and (10) shall offer to the respective college of the Supreme Judicial Council not less than 50 per cent of the magistrates of their membership for members – participants of the selection board, once every three years. Participants can be offered more than once. The members of the selection board must have acquired status of irremovability and for the last 5 years have not been subject to any of the disciplinary sanctions under Art. 308, paragraph (1), points (3), (4), (5) or (6) of the Judiciary System Act with a decision entered into force. They must be of a rank equal to or higher than the rank of the vacant position for applying.

(5) Members of the selection board with the status of acting judge, prosecutor or investigator shall be elected by the relevant college of the Supreme Judicial Council by drawing lots among the magistrates proposed by the authorities under paragraph (3), points (1), (2), (6), (7) and (10).

(6) The composition of the reserve members includes: 1 representative of the Committee on Attestation and Competitions with the status of acting magistrate, 1 scientist having academic rank in law in the subject concerned with academic position as Associate Professor or Professor, and 1 member with the status of an acting judge, prosecutor or investigator.

(7) A fee is paid for participation in a selection board, which is determined and paid by the Plenum of the Supreme Judicial Council. The members of the selection board shall be seconded until the end of the competition, during which time they shall be exempted from intervening in court hearings and shall be excluded from the allocation of cases during the competition.

(8) Participation in the selection board shall be taken into account when drawing up an attestation and determining the workload of the judge, prosecutor or investigator concerned. The decision to designate a magistrate as a member of a selection board shall be applied ex officio to his personnel file.

(9) A regular member of a selection board or an alternate may file a written objection to the respective college of the Supreme Judicial Council within three days of the announcement of the decision if there are good reasons.

Article 37. (1) After the selection board is formed, the latter shall, at its meeting, elect a

Chairman from among the members for which it draws up a record. The Chairman of the selection board supervises its work and monitors compliance with the conditions for conducting the competition.

(2) In the event of failure to attend, a regular member of the selection board shall be replaced by an alternate appointed by the board's Chairman. In the absence of a Chairman, his or her duties shall be assumed by a board member in accordance with the rules of seniority under Art. 237 of the Judiciary System Act.

Article 38. The selection board adopts its own decisions by a majority of more than half of the total number of its members.

Section III

Conduct of competitions and ranking of candidates

Article 39. (1) When conducting competitions for transfer or promotion, the selection board takes into account the results of the last attestation and the inspections by the higher authorities of the judiciary and by the Inspectorate to the Supreme Judicial Council, the data from their personnel affairs, and assesses the examined and completed cases and files selected by the selection board and presented by the candidates on the basis of which it makes an overall evaluation of the professional qualities the candidates have.

(2) The selection board shall select three cases or files among the referred to in the reference submitted by the candidate along with the application for participation in the competition, and requires the relevant administrative head within seven days to provide a copy on an optic storage medium of these cases or files, and the three cases or files specified by the candidate.

(3) In the events where cases or files contain classified information, they shall be submitted to the selection board in accordance with the order provided by the Classified Information Protection Act.

(4) In the events under Art. 189, paragraph (4) of the Judiciary System Act, the selection board must compulsorily verify the candidate's knowledge for occupying a position in another type of authority of the judiciary by submitting a written examination in accordance with a syllabus:

1. the selection board shall determine the date, time and place of the written examination;
2. the written examination, which is anonymous, lasts 4 astronomical hours, for which purpose the candidates develop written answers to two randomly drawn questions from the relevant syllabus under Art. 7, paragraph (1), point (3);
3. according to the number of candidates, the written examination may take place in more than one room after a pre-arranged distribution; candidates are required to appear in the room and take their seats at the latest 15 minutes before the examination begins;

4. candidates are admitted to the room after presenting an identity card by signing on an attendance list;

5. during the written examination, candidates can only use regulatory acts; if the use of court and interpretative decisions as well as other case-law are found, the same shall be seized and the candidate removed from further participation in the competition;

6. bringing computers, mobile phones and other technical devices is not allowed; in the event that during a check such devices are found in the candidate's premises, he or she will not be admitted to the written examination room; in the case of a violation found, the selection board removes the candidate from further participation in the competition for which a record is drawn up;

7. in the event of attempts to copy or hint, and in breach of the quaestors' instructions, the offender shall be removed from further participation in the competition, for which a record shall be drawn up, signed by the members of the selection board;

8. the candidates develop in writing their answers to the questions drawn on previously received white sheets sealed with the seal of the Supreme Judicial Council; candidates can write during the examination only with a blue color pen; after announcing the end of the examination, the unused sheets shall be submitted to the board;

9. after completing their work on the questions or expiration of the examination, each candidate write on a pre-submitted sheet his or her full names, the uniformed civil number, the incoming number issued by the Supreme Judicial Council administration, and the examination date; the candidate seals the sheet in a small opaque envelope;

10. the written work is sealed by the candidate's own hand in a large envelope, in which the sealed small envelope is placed; in this form, the candidate submits it to the board;

11. publicly and in the presence of the competition board, in the Supreme Judicial Council administration on the principle of chance, the large envelopes are unsealed, and the same number shall be written on the small envelope, the large envelope and the written work.

12. small envelopes are made available for storage to the Secretary-General of the Supreme Judicial Council, and the large envelopes together with the written works remain in the board for evaluation;

13. written works are examined and evaluated by two members of the selection board, independently of each other, without mutual consultation and without exchanging information about their evaluations; written work shall not be marked.

14. written works are evaluated by examiners by the six-point scale with an accuracy of 0.25;

15. each examiner writes in his or her individual record, against the number of the written work, the mark awarded by him or her;

16. individual records are forwarded to the board's Chairman for the preparation of the final record, which shall be signed by the board members;

17. where the difference between the two examiners' marks is up to one unit, the final mark is the arithmetic mean between the two marks;

18. when the difference in the marks is more than one unit, the written work is also checked by a third examiner – member of the board, appointed by its Chairman; the final mark is an arithmetic mean between the three marks;

19. upon completion of the evaluation, the full examination board checks the integrity of the small envelopes, unseals them, identifies the written works and books the marks in a record;

20. the results of the written examination shall be announced at a publicly accessible place in the building of the Supreme Judicial Council and on the website of the Supreme Judicial Council within three days of the signing of the examination board's minutes;

21. candidates participate with their mark of the written examination in the ranking under Art. 41.

Article 40. (1) The competition board shall perform a complex evaluation and analysis of all the data under points (1), (2) and (3), awarding one general mark by the six-point scale with an accuracy of 0.25 hundredths:

1. the last attestation;

2. inspections by the higher authorities or the judiciary and by the Inspectorate to the Supreme Judicial Council, and

3. the candidates' personnel file.

(2) The examination board shall make an assessment of the cases or files inspected and shall award a mark by the six-point scale with an accuracy of 0.25 hundredths on the basis of the following criteria:

1. common to judges, prosecutors and investigators:

a) practical knowledge of candidates in the area of substantive and procedural law;

b) skills to analyze legally relevant facts and evidence;

b) the candidates' ability to handle regulatory acts, to extract the necessary information from them, to make decisions and to justify them;

2. specific to judges:

a) ability to optimize work organization, ability to timely and adequate planning of court hearings;

b) preparation for a hearing;

c) the ability to hold a court hearing and draft a record;

3. specific to prosecutors:

a) ability to organize work and managing the investigative authorities and teams involved in pre-trial proceedings;

b) number of unappealed prosecutor's acts, including decrees for termination and suspension of criminal proceedings, number of final judicial acts enacted on the acts filed by the candidate, as well as the final judicial acts for referring the cases for removal of procedural violations, and the reasons for this, the number of the respected protests, confirmed, amended and repealed prosecutor's acts in the case of instance and administrative supervision;

4. specific for investigators:

a) skills for planning and structuring operations in pre-trial proceedings;

b) the compliance of the prosecutor's acts with the investigator's opinion following the final closure of the investigation and the cases referred for further investigation.

(3) The members of the selection board shall place in an individual record an overall score, averaging the two numerical components under paragraphs (1) and (2).

(4) The candidate's overall score is formed as the arithmetic mean of the two numerical marks under Art. 40, paragraphs (1) and (2), and in the cases of Art. 189, paragraph (4) of the Judiciary System Act – plus the mark from the written examination.

(5) The Chairman of the selection board shall transmit the individual records to a representative of the Supreme Judicial Council administration, for which a record shall be drawn up.

Article 41. (1) The competition board draws up a record for the candidates' ranking with a reasoned opinion and sends the results of the ranking together with all the competition documentation of the respective college of the Supreme Judicial Council. The ranking results are announced on the website of the Supreme Judicial Council.

(2) In the event of equal marks, the judge, the prosecutor or the investigator with longer length of service in the respective system of the authorities of the judiciary shall be ranked, and in case of equal length of service in the relevant system of the authorities of the judiciary – this one with longer legal length of service.

(3) The Professional Ethics Commission in the relevant college of the Supreme Judicial Council assesses the moral qualities of the first three candidates for each position and prepares an opinion for each candidate on the basis of the documents submitted by the candidate and the documents contained in the personnel file on the results of the inspections by the Inspectorate to the Supreme Judicial Council, incentives and penalties, allegations of breaches of the rules of professional ethics of judges, prosecutors and investigators.

Article 42. (1) The candidates' ranking results together with the entire competition documentation and the opinion of the Professional Ethics Commission in the relevant college shall be submitted to the Committee on Attestation and Competitions to the relevant college.

(2) The Committee on Attestation and Competitions in the relevant college shall submit to the respective college of the Supreme Judicial Council a reasoned proposal to promote or transfer the candidates ranked first for the positions in the respective authorities of the judiciary.

(3) The relevant college of the Supreme Judicial Council adopts a decision to promote or transfer a judge, prosecutor or investigator in order of ranking to fill the vacancies.

(4) A judge, prosecutor or investigator who has taken up his or her duties shall not take part in any subsequent consecutive ranking in the same competition procedure.

(5) When adopting the decision under paragraph (3) the respective college of the Supreme Judicial Council shall verify that the candidate ranked first meets the requirements of Art. 164 of the Judiciary System Act, as well as whether he or she possesses the professional and moral qualities required.

(6) The relevant college of the Supreme Judicial Council, by decision, refuses to appoint a candidate for whom it has determined that he or she does not meet the requirements under Art. 162 and 164 of the Judiciary System Act. In this case, the next qualified candidate who is eligible is appointed.

(7) (New – SG, No. 37 of 2019) In case of refusal to take up his or her duties within the term of Art. 161, paragraph (1) of the JSA by a promoted or transferred candidate, the next one shall come in the order of ranking until the final occupation of the competition positions according to the terms and conditions of Art. 193, paragraph (3) of the JSA.

(8) (Previously paragraph (7) – SG, No. 37 of 2019) The decision of the relevant college of the Supreme Judicial Council under paragraph (3) may be appealed under the conditions and by the order of Art. 187 of the Judicial System Act.

Section IV

Appointment under the conditions and by the order of Art. 193, paragraph (6) of the Judiciary System Act

Article 43. (1) Within 9 months of the completion of the previous competition procedure with a decision of the relevant college of the Supreme Judicial Council and in the presence of a vacant position in an authority of the judiciary, the relevant college of the Supreme Judicial Council shall adopt a decision for the appointment of the candidate next by order in the promotion competition or for a transfer who has been awarded a final mark in the competition not less than very good “5.00”.

(2) (Am. – SG, No. 37 of 2019) For the purposes of appointment under the conditions and by the order of Art. 193, paragraph (6) of the JSA, the previous competition procedure is considered to be completed with the adoption of the first decision under Art. 193, paragraph (3) of the JSA, by which the respective college of the Supreme Judicial Council promotes or transfers a judge, prosecutor or investigator in order of ranking until the filling of the vacancies in the relevant authority of the judiciary.

(3) (Am. – SG, No. 37 of 2019) The term under paragraph (1) shall start to run from the date of adoption of the first decision of the Supreme Judicial Council’s respective college, with which, by the order of Art. 193, paragraph (3) of the JSA the ranked candidates have been promoted or transferred, regardless of the subsequent repeal of the same in case of appeal.

(4) (Am. – SG, No. 37 of 2019) The candidate’s refusal to take up his or her duties under the terms and conditions of Art. 193, paragraph (3) of the JSA shall restrict his or her opportunity to participate in the procedure under Art. 193, paragraph (6) of the JSA.

(5) (Am. – SG, No. 37 of 2019) The decision to appoint under the terms and conditions of Art. 193, paragraph (6) of the Judiciary System Act shall be adopted by the respective college of the Supreme Judicial Council after the entry into force of the decision for promotion or transfer by the order of Art. 193, paragraph (3) of the JSA and the appointment the candidates taken on in the respective authority of the judiciary.

(6) (New – SG, No. 37 of 2019) Upon adoption of the decision under Art. 193, paragraph (6) of the JSA, the respective college shall verify that the candidate who follows the order of ranking meets the requirements of Art. 191 of JSA, as well as whether he or she possesses the necessary professional and moral qualities.

(7) (Previously paragraph (6) – SG, No. 37 of 2019) The provision under paragraph (1) shall not apply to newly established positions.

(8) (Previously paragraph (7) – SG, No. 37 of 2019) The decision of the relevant college of

the Supreme Judicial Council under paragraph (5) may be appealed under Art. 187 of the Judiciary System Act.

(9) (Am. – SG, No. 37 of 2019) In the case of a concurrent period of conducting a transfer competition and a promotion competition for the same authority of the judiciary and in case there is a position vacated within the term under Art. 193, paragraph (6) of the JSA, the decision on appointment under the provision abovementioned is adopted in the transfer competition.

Chapter Four

SELECTION OF ADMINISTRATIVE HEADS OF THE AUTHORITIES OF THE JUDICIARY UNDER ART. 167, PARAGRAPH 1, P. (2) – (4) OF THE JUDICIARY SYSTEM ACT

Section I

Nomination of candidatures and submission of candidates’ documents for administrative heads of the authorities of the judiciary

Article 44. The procedure for the election of administrative heads shall be opened by a decision of the College of Judges, respectively the Prosecutor’s College of the Supreme Judicial Council no earlier than three months and no later than one month before the expiration of the mandate or within 7 days from the occurrence of the circumstance under Art. 175, paragraphs (1) and (2) of the Judiciary System Act.

Article 45. By the decision under Art. 44, the vacant positions for administrative heads in the authorities of the judiciary shall be announced. The same is promulgated in the State Gazette and published on the website of the Supreme Judicial Council.

Article 46. (1) For an administrative manager is appointed a judge, a prosecutor or an investigator who has the length of service required under Art. 170, paragraphs (1) – (3) of the Judiciary System Act and meets the requirements of Art. 167, paragraph (5) and Art. 169, paragraph (1) of the same Act.

(2) Exceptionally, a judge, prosecutor or investigator of lower-level of an authority of the judiciary who meets the above requirements may be appointed. The decision shall be accompanied by a reasoned description of the objective circumstances and facts that required its taking.

Article 47. (1) Proposals for the appointment of a Chairman of a court, respectively a head of a prosecutor’s office, shall be adopted within one month from the date of promulgation of the

decision under Art. 45.

(2) Proposal for the appointment of a Chairman of a court, with the exception of a proposal for a Chairman of the Supreme Court of Cassation and a Chairman of the Supreme Administrative Court, can be made by:

1. the general assembly of the judges from the relevant district court – for a Chairman of a district court;

2. the general assembly of the judges from the respective regional court – for a Chairman of the regional court;

3. the general assembly of the judges from the respective appellate court – for a Chairman of the appellate court;

4. the general assembly of the judges from the respective administrative court – for a Chairman of the administrative court;

5. the Minister of Justice;

6. the candidate for occupying the position.

(3) Proposal for the appointment of a head of a prosecutor's office, with the exception of a proposal for a Prosecutor-General, can be made by:

1. the heads of senior prosecutor's offices – for a Chairman of a prosecutor's office in the respective judicial district;

2. the Prosecutor-General – for heads of the appellate prosecutor's offices;

3. the candidate for occupying the position;

4. the Minister of Justice.

(4) The proposal and the documents attached to it shall be submitted to the Supreme Judicial Council administration. Proposals submitted after the deadline will not be accepted.

(5) Applied to the proposal shall be:

1. a detailed CV signed by the candidate;

2. a copy of a higher education diploma in law;

3. a copy of a certificate for acquired legal capacity;

4. (repealed – SG, No. 37 of 2019);

5. a medical certificate issued as a result of a medical examination that the person does not suffer from a mental illness;

6. Concept of his or her work as an administrative manager, which must include: personal motivation to take up the position; analysis and assessment of the state of the authority of the judiciary; outlining the achievements and problems in his or her former operations; identifying development goals and measures to achieve them;

7. a certificate by the National Investigation Service, the Metropolitan Investigation Service or by the regional investigation units at the regional prosecutor's offices for pre-trial proceedings;

8. declaration of property status and origin of funds for acquiring the property in a form approved by the Supreme Judicial Council;

9. documents certifying the existence of the length of service under Art. 170 of the Judiciary System Act;

10. other documents which, at the discretion of the candidate, are relevant to his or her professional or moral qualities.

Section II

Public disclosure of documents

Article 48. Candidates for administrative heads shall be publicly disclosed on the website of the Supreme Judicial Council together with the biography submitted with the application, the declaration of the property status and origin of the funds for the acquisition of the property of the candidates for administrative heads, and a conception of their work as administrative heads in the 3-day term after submission of proposals to the Supreme Judicial Council administration in accordance with the Personal Data Protection Act and the Classified Information Protection Act. All data in the candidates' documents which are personal data within the meaning of the Personal Data Protection Act, are deleted.

Article 49. (1) The Committee on Attestation and Competitions carries out an inspection of the documents and concludes that the candidate complies with the requirements of Art. 167, paragraph (5), Art. 169, paragraph (1) and Art. 170, paragraphs (1) – (3) of the Judiciary System Act.

(2) Lists of admitted and non-admitted candidates are announced on the website of the Supreme Judicial Council at least 14 days before the election, and for non-eligible candidates the basis for non-admission shall also be stated.

(3) Within three days of the announcement of the lists, candidates who have not been

admitted may make a written objection to the College of Judges, respectively the Prosecutor's College, to the Supreme Judicial Council. The decision, which does not allow a candidate to participate in the election, is subject to appeal under Art. 182, paragraph (6) of the Judiciary System Act.

Article 50. (1) Magistrates and non-profit legal entities registered for public benefit activities, higher education institutions and scientific organizations, professional organizations of judges, prosecutors and investigators, colleagues, authorities and institutions in which the candidate has worked, no later than 7 days before the interview may submit to the College of Judges, respectively the Prosecutor's College of the Supreme Judicial Council opinions on his or her moral and professional qualities, including questions to be asked. Anonymous statements and alerts are not considered. The submitted opinions and questions are published on the website of the Supreme Judicial Council within three days of their submission. No specific data constituting classified information is disclosed, as well as facts of the intimate person's life.

(2) Candidates for an administrative head of a court shall be heard by the general assembly of the court concerned. The record of the hearing shall be submitted to the College of Judges of the Supreme Judicial Council by the administrative head of the respective court not later than 7 days prior to the interview.

(3) Prosecutors at the relevant prosecutor's office may express an opinion for the candidate for an administrative head.

Article 51. The questions and opinions put and received by the Supreme Judicial Council are summarized by the Committee on Attestation and Competitions which informs the candidates about them. The Committee sends opinions on the candidates' ethical merits to the Professional Ethics Commission. The Committee on Attestation and Competitions provides an opportunity for the candidate to respond and provide evidence before the hearing if it is necessary to clarify the facts and circumstances.

Article 52. (1) The questions and opinions put and received by the College of Judges, respectively the Prosecutor's College of the Supreme Judicial Council and the answers received shall be published on the website of the Supreme Judicial Council within 3 working days after their receipt. Anonymous alerts, specific data constituting classified information, as well as facts about the candidates' intimate life are not published.

(2) The written answers of the candidates under Art. 51 shall be presented at the College of Judges, respectively the Prosecutor's College of the Supreme Judicial Council no later than one day before the hearing of the candidate, and shall be published on the website of the Supreme Judicial Council.

Article 53. After the selection, the materials published on the website of the Supreme Judicial Council shall be archived and remain accessible.

Section III

Verification of the candidates' existence of high professional qualities

Article 54. The Committee on Attestation and Competitions shall verify the professional qualities of candidates for the position they have applied for, based on data from:

1. inspection reports of the Inspectorate to the Supreme Judicial Council in the authorities of the judiciary where the candidate has worked;
2. annual reports on the operations of the authority of the judiciary;
3. the attestation forms as well as all from the documents contained in the candidate's personnel file;
4. reports containing data on the status of the authority of the judiciary for which management is the application.

Article 55. (1) After an analysis of the data collected under Art. 54 and the opinions and alerts received by the order of Art. 50–52, as well as of the candidates' answers, received by the order of Art. 52, the Committee on Attestation and Competitions shall provide to the relevant college of the Supreme Judicial Council a reasoned opinion on the professional qualities of each candidate for an administrative head, which concludes on the existence or absence of data calling into question the high professional merits against the position for which is the application.

(2) The opinion under paragraph (1) shall be made available to candidates no later than three days before the date of the interview.

Section IV

Verification of the candidates' existence of high moral qualities

Article 56. (1) The Professional Ethics Commission carries out research, gathers the information needed and makes an opinion on the candidates' moral qualities based on data from:

1. The Inspectorate to the Supreme Judicial Council, the Prosecutor's Office, as well as other competent authorities and organizations and public registers;
2. relevant materials in media, checked for objectivity, reasonableness and credibility;

3. substantiated statements made by the candidate's colleagues expressed during the hearing by the general assembly of the respective court, conducted in accordance with Art. 194a, paragraph (7) of the Judiciary System Act, and substantiated statements contained in the opinion of the prosecutors at the respective prosecutor's office, if such is expressed.

(2) The Committee also takes into account the results of the scrutiny of the ethics committees at the authorities of the judiciary concerning the candidates, the committee's own inspections on alerts and in cases of self-referral, as well as those carried out by the administrative heads of the candidates.

Article 57. (1) After an analysis of the data collected under Art. 56 and the opinions and signals received by the order of Art. 50–52, as well as of the candidates' answers, received by the order of Art. 52, the Professional Ethics Commission shall provide to the respective college of the Supreme Judicial Council a reasoned opinion on the moral qualities of each candidate for an administrative head which concludes on the existence or absence of data that cast doubt on the candidate's high moral qualities and public reputation.

(2) The opinion under paragraph (1) shall be made available to candidates no later than three days before the interview date.

Section V

Interview procedure

Article 58. (1) The procedure for the election of an administrative head shall be carried out by the respective college of the Supreme Judicial Council through an interview.

(2) Candidates are invited for interview at the College of Judges, respectively the Prosecutor's College of the Supreme Judicial Council at least 14 days (in view of the 7-day period prior to the interview in accordance with Art. 50) before the date of the meeting.

(3) The College of Judges, respectively the Prosecutor's College of the Supreme Judicial Council carries out the interview with the candidates for administrative head in alphabetical order.

(4) During the interview, candidates present the conceptions of their work as an administrative head of the relevant authority of the judiciary within the time specified by the college of the Supreme Judicial Council.

(5) The absence of a candidate in proper circumstances justifies postponing the choice.

(6) If a candidate fails to appear for unreliable reasons, the selection procedure shall be terminated with respect to the absent candidate.

Article 59. (1) Within the interview, the candidate shall be assessed for:

1. his or her professional qualifications as a judge, prosecutor or investigator based on the

results of the attestations made so far and the opinion of the Committee on Attestation and Competitions under Art. 54;

2. his or her managerial competence as an administrative head for which the candidate shall defend his or her conception of strategic management of the relevant authority of the judiciary;

3. the candidates' moral qualities on the basis of a reasoned opinion of the Professional Ethics Commission of the relevant college.

(2) During the interview, the members of the relevant college of SJC may address questions to the candidate and on the basis of the opinions under Art. 194a, paragraphs (6) and (7) of the Judiciary System Act.

Article 60. After interviewing all candidates, the members of the respective college of the Supreme Judicial Council may express opinions on their presentation.

Section VI

Conduct of the elections

Article 61. (1) Candidates for administrative heads are put to the vote by electronic voting system. Each member of the Judges' College/the Prosecutor's College of the Supreme Judicial Council has the right to vote "for" only one candidate.

(2) The College of Judges of the Supreme Judicial Council shall adopt the decision on the appointment of an administrative head by a majority of no less than 8 votes, and the Prosecutor's College – by a majority of not less than 6 votes, with an open vote. The printout of the results of the vote shall be attached to the record of the meeting of the Supreme Judicial Council as an integral part of the decision on the election.

(3) The College of Judges, respectively the Prosecutor's College of the Supreme Judicial Council, shall adopt a decision for the appointment of the candidate who meets the requirements under Art. 164 and Art. 169, paragraph (1) of the Judiciary System Act, as the decision is also adopted on the basis of the assessment under Art. 194b, paragraph (1), point (2) of the Judiciary System Act.

(4) For more than two candidates, when none of them obtains the majority required, the election continues for the two who have received the most votes.

(5) If in the run-off ballot none of the candidates obtains the majority required, the procedure for the appointment of an administrative head shall be terminated.

(6) The decision of the relevant college of the Supreme Judicial Council under Art. 194b, paragraph (4) of the Judiciary System Act may be appealed under the terms and by the order of Art. 187 of the Judiciary System Act.

Section VII Inauguration

Article 62. Inauguration of the appointed administrative heads shall be subject to the conditions and by the order provided for in the Judiciary System Act.

ADDITIONAL PROVISIONS

§ 1. (Repealed – SG, No. 37 of 2019).

§ 2. A vacated position in an authority of the judiciary is this position which has vacated during the competition or within 9 months of its completion.

§ 3. The candidate next by order in the promotion competition or the transfer competition referred to in Art. 43, paragraph (1) is the candidate who has participated but has not been appointed to any of the positions announced in the competition procedure for the respective authority of the judiciary and has received an overall score in the competition procedure not less than very good “5.00”.

TRANSITIONAL AND FINAL PROVISIONS

§ 4. This Ordinance is issued on the basis of Art. 194d of the Judiciary System Act and was adopted by decision of the Plenum of the Supreme Judicial Council under Minutes No. 05 of 9.02.2017.

§ 5. The Ordinance shall enter into force on the day of its promulgation in the State Gazette.

§ 6. (Repealed by Decision No. 915 of 2019 r. of the Supreme Administrative Court of Republic of Bulgaria – SG, No. 10 of 2019, entered into force from 1.02.2019).

§ 7. The procedures for the selection of administrative heads before the entry into force of the Law on Amending and Supplementing the JSA (SG 62/2016) are completed under the new order of the stage they have reached.

TRANSITIONAL PROVISION

to the Ordinance amending and supplementing Ordinance No. 1 of 2017 for magistrates' competitions and the selection of administrative heads in the authorities of the judiciary (SG, No. 37 of 2019)

§ 9. The provisions of Art. 43, paragraphs (2) – (9) shall apply to all competitions which have not been closed until their entry into force, except for those which have already been the subject of a decision under Art. 193, paragraph (3) of the Judiciary System Act.

Form 1
to Art. 11, paragraph (1)
(Am. – SG, No. 37 of 2019)



Form 2
to Art. 11, paragraph (1)
(Am. - SG, No. 37 of 2019)



