

**RULES FOR THE FORMATION, ORGANISATION AND ACTIVITY OF THE  
PROFESSIONAL ETHICS COMMITTEES WITHIN THE BODIES OF THE  
JUDICIARY**

**CHAPTER ONE  
GENERAL PROVISIONS**

1. (1) These Rules shall define the terms and procedure for the formation, organisation and activity of the professional ethics committees within the bodies of the judiciary.

(2) The professional ethics committees within the bodies of the judiciary shall be assistant bodies to the standing Committee for Professional Ethics and Prevention of Corruption of the Supreme Judicial Council.

**CHAPTER TWO  
FORMATION OF THE PROFESSIONAL ETHICS COMMITTEES WITHIN THE  
BODIES OF THE JUDICIARY**

2. Professional ethics committees shall be elected to all bodies of the judiciary with payroll of over 6 magistrates.

3. (1) In the bodies of the judiciary where such committees cannot be established, their functions shall be performed by the professional ethics committees of the higher body of the judiciary.

(2) In a body of the judiciary where such a committee cannot be established, a representative (regular and alternate) shall be elected with a consultative vote, who shall participate in the meetings of the higher professional ethics committee by giving opinions on magistrates from his/her court/prosecutor's office.

(3) Signals for violation of the principles laid down in the Code of Ethics for the Behaviour of Bulgarian Magistrates shall be examined by the higher professional ethics committees within the bodies of the judiciary. They shall be authorised to make checks only in respect of their subordinate structures, not of magistrates in the body of the judiciary to which they are established.

4. The professional ethics committees within the bodies of the judiciary shall include at least three regular members and one alternate member.

5. (1) The members of a professional ethics committee shall be determined by the general meeting of the relevant body of the judiciary and the decision shall be taken by secret ballot and simple majority. One month before expiry of the term of office of the professional ethics committee a general meeting shall be convened for election of new members.

If none of the nominated candidates gets the required majority, the election shall continue for the two of them who have obtained the highest number of votes.

(2) Administrative heads may not be members of the professional ethics committee.

Members of the professional ethics committees may not be magistrates who are serving a disciplinary sanction imposed thereon or if a pending disciplinary proceedings is initiated against them.

Upon initiation of disciplinary proceedings against a member of the professional ethics committees within the bodies of the judiciary, his/her functions shall be performed by the alternate member.

6. Immediately after being elected, the members of professional ethics committees shall elect a chairperson.

7. The term of office of the professional ethics committee shall be 4 years, without the right to a second consecutive term of office.

8. (1) When a member of the professional ethics committee leaves the respective body of the judiciary, his/her place shall be taken over by the alternate member and a new alternate member shall be elected within one month.

(2) When a member of the professional ethics committee files a resignation, it shall be accepted by the general meeting of the respective body of the judiciary. His/her place shall be taken over by the alternate member and a new alternate member shall be elected within one month.

## **CHAPTER TWO**

### **POWERS OF THE PROFESSIONAL ETHICS COMMITTEES WITHIN THE BODIES OF THE JUDICIARY**

9. The professional ethics committees within the bodies of the judiciary shall draft opinions on the character references of the candidates in the competitions for taking office within the bodies of the judiciary and for periodic performance appraisal of the magistrates of the respective body of the judiciary. When gathering information for their opinions and should it be necessary, the committees may interact with competent bodies and institutions in the meaning of law.

10. (1) In case of signals against magistrates, the check shall be conducted by the professional ethics committee to the relevant higher body of the judiciary.

(2) The opinions on the character references by administrative heads and deputy administrative heads shall be prepared by the professional ethics committee to the relevant higher body of the judiciary.

(3) The professional ethics committee to the higher body of the judiciary shall conduct checks and shall issue an opinion also in the cases when due to withdrawal of a member or members of the competent committee the latter cannot issue a decision as well as when the signal is against a member of that committee.

(4) In the cases when a magistrate of one body of the judiciary is temporarily assigned to another body of the judiciary, an opinion on such magistrate shall be prepared by the committee of the body of appointment upon reconciliation with the body to which the magistrate is temporarily assigned.

(5) Where grounds arise for initiation of a check against a temporarily assigned magistrate, it shall be made by the committee to the body where said grounds have arisen.

11. Withdrawal of a member or members of the professional ethics committee from participation on a specific case shall be reasoned and the reasoning shall be recorded in the protocol.

12. The professional ethics committees within the bodies of the judiciary shall make checks for behaviour which is in conflict with the professional ethics rules laid down in the Code of Ethics for the Behaviour of Bulgarian Magistrates and shall submit the results of the check to the relevant administrative head and to the Committee for Professional Ethics and Prevention of Corruption of SJC. The committees shall issue a decision within 30 days.

13. The grounds for making checks by the professional ethics committees within the bodies of the judiciary shall be:

a) publication in the media with a clear source of information and other materials containing data about unethical behaviour of magistrates. In these cases the committees may begin work in accordance with the own initiative procedure;

b) signals from individuals, legal entities and magistrates, received at a body of the judiciary;

c) ordered check by the administrative head;

d) ordered check by the Committee for Professional Ethics and Prevention of Corruption of SJC;

e) at its own initiative in case of violation of the principles laid down in the Code of Ethics for the Behaviour of Bulgarian Magistrates.

14. Administrative heads may not forward signals from individuals and legal entities directed to them or order a check to the ethics committees on issues which are outside the scope of application of the Code of Ethics for the Behaviour of Bulgarian Magistrates.

15. The grounds for initiation of checks by the professional ethics committees shall be filed in the registry office of the relevant body of the judiciary.

### **CHAPTER THREE**

#### **ORGANISATION OF THE ACTIVITIES FOR KEEPING AND MAINTAINING A REGISTER OF THE CHECKS**

16. (1) The professional ethics committees within the bodies of the judiciary shall maintain their own register and archive. The register shall contain the following data: number of the case file, issuer (act of own initiative), name of the magistrate against whom the signal is directed, the result of the check (opinion) and a final act.

(2) The administrative head of the respective body of the judiciary shall designate an employee from the registry office who shall keep the register and shall perform the entire work for the formation, processing and storage of the case files of the committees.

(3) The materials from the check shall be kept for a term of 5 (five) years from the date of issuing a decision on the case file.

(4) Destruction of the materials from the check shall be performed in accordance with the Rules for destruction of cases and case files in the bodies of the judiciary.

**CHAPTER FOUR**  
**ORGANISATION AND ACTIVITY OF THE PROFESSIONAL ETHICS**  
**COMMITTEES WITHIN THE BODIES OF THE JUDICIARY**

17. When making their checks, the professional ethics committees within the bodies of the judiciary may invite for hearing the author of the signal and shall mandatorily hear the magistrate against whom the check is made. They may also gather additional information from the competent bodies and institutions, take written explanations from third parties and carry out other actions aimed at clarification of the factual situation on the signal.

18. (1) When making checks under item 12 of the rules, the committee shall keep a protocol of the relevant meetings held. The protocol shall be signed by the chairperson of the committee and by the record keeper. A transcript of the protocol, at request, shall be provided to the author of the signal and to the magistrate against whom the check is conducted.

19. (2) The professional ethics committees shall notify the author of the signal and the magistrate against whom the check is conducted of the result of the check.

20. When the conflict is among members of different bodies of the judiciary or members of bodies at different hierarchy, the professional ethics committees to these bodies shall interact by holding a joint meeting to hear the magistrates participating in the conflict and shall issue a joint opinion or shall make recommendations in order to offset and settle the conflict in the best possible way.

21. When a professional ethics committee reaches a conclusion that the Code of Ethics for the Behaviour of Bulgarian Magistrates has been violated, it shall notify the administrative head thereof. Where at the discretion of the professional ethics committee within the relevant body of the judiciary a disciplinary sanction shall be imposed under items 3 - 6 of art. 1 of art. 308 of Judiciary System Act the professional ethics committee shall notify the Committee for Professional Ethics and Prevention of Corruption of SJC as well.

**CHAPTER FIVE**  
**TRANSITIONAL AND CONCLUDING PROVISIONS**

§ 1. These Rules shall repeal the Rules for the Organisation and Activity of the Professional Ethics Committees, adopted by a decision of the Supreme Judicial Council by protocol No 4/03.02.2011, amended by a decision of the SJC by protocol No 15/27.04.2011 and the internal rules adopted pursuant to item 20 of said rules, and shall enter into force on the date of their adoption by the SJC.

§ 2. The Rules for the Formation, Organisation and Activity of the Professional Ethics Committees within the Bodies of the Judiciary shall be amended, supplemented and updated by a decision of the SJC.

*The Rules for the Formation, Organisation and Activity of the Professional Ethics Committees within the Bodies of the Judiciary are adopted by a decision of the Supreme Judicial Council by protocol No 26/19.06.2014.*