

**RULES FOR THE ELECTION OF PRESIDENT OF THE SUPREME
COURT OF CASSATION, PRESIDENT OF THE SUPREME
ADMINISTRATIVE COURT AND
PROSECUTOR GENERAL**

*(Adopted by a decision of the SJC / Minutes No. 48/08.11.2012;
amended and supplemented by a decision of the SJC /Minutes No.
32/10.07.2014 and Minutes No 10/16.03.2017 and Minutes No 15/11.07.2019)*

**I. NOMINATION OF CANDIDATES AND SUBMISSION OF DOCUMENTS OF
CANDIDATES FOR PRESIDENT OF THE SUPREME COURT OF CASSATION,
PRESIDENT OF THE SUPREME ADMINISTRATIVE COURT AND PROSECUTOR
GENERAL**

1. The procedure for selection of candidates for President of the Supreme Court of Cassation, for President of the Supreme Administrative Court and Prosecutor General shall be launched by the Plenum of the Supreme Judicial Council not earlier than 6 / six / months and not later than 4 / four / months before the expiry of the mandate or within 7 days in the case of early dismissal, pursuant to Art. 129, Par. 3 of the Constitution of the Republic of Bulgaria.

2. Proposals for president of the respective court may be submitted by at least three of the members of the relevant College of the Supreme Judicial Council, the Minister of Justice, as well as the Plenum of the Supreme Court of Cassation and the Plenum of the Supreme Administrative Court.

3. Proposals for Prosecutor General may be submitted by at least three of the members of the relevant College of the Supreme Judicial Council and the Minister of Justice.

4. Proposals shall be made in the four consecutive sessions, following the session at which a decision to launch the procedure has been taken.

5. Proposals shall be made in writing and shall be accompanied by detailed written reasons and an enclosed personnel file in accordance with a model approved by the relevant College of the Supreme Judicial Council. The documents submitted shall be published on the website of the Supreme Judicial Council within three working days of their receipt, not later than two months before the public hearing. The publication is carried out in accordance with the Law on the Protection of Personal Data and the Law on the Protection of Classified Information.

6. The reasons of the proposals shall include the considerations of the proposers for the particular nomination and for the personal and professional qualities of the candidate, whether the candidates meet the requirements of Art. 170, paragraph 4 and 5 of the Judiciary System Act, as well as an indication on the relations between them and the candidate and all common interests that bind them.

7. The candidates shall submit a written concept for their activity on the respective position within 14 (fourteen) days from the expiry of the deadline for the proposals under item 4. The concept must have the following minimum content:

- Personal motivation for taking up the post;
- Analysis and assessment of the state of the body for the judiciary;
- Outline of the achievements and problems in its current activity;
- Defining objectives for the development and measures to achieve them.

8. Within the same deadline, the candidates shall also submit the following documents:

- A detailed CV;
- A criminal record certificate issued for the purposes of the participation in an election procedure under the Judiciary System Act;
- A certificate for lack of initiated pre-trial proceedings and pending criminal cases;
- Documents certifying at least 12 years of required legal experience - a copy of the service or insurance book, a checkup, a certificate from the relevant institution or other document;
- A copy of the diploma of completed higher education and a copy of the certificate of legal capacity;
- A medical certificate issued as a result of a medical examination and certifying that the person is not suffering from a mental illness;
- (*Amended and Supplemented – Minutes No 15/11.07.2019 of the Plenum of the SJC*) A declaration on property and interest under Art. 37 of the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Act, following the model under Art. 35, paragraph 4 of that Law.

9. The Committee on Assessment and Competition and the Committee on Professional Ethics to the relevant College of the SJC shall prepare reports on the professional and moral qualities of the candidates, with which they submit the applications for discussion and voting by the respective College of the Supreme Judicial Council. The reports shall conclude on:

1. The legal requirements for holding the post;
2. The availability of data that question the candidate's moral qualities, qualifications, experience and professional qualities;
3. The specific training, qualities and motivation for the respective position.

10. The report of each committee under item 9 shall be published on the website of the Supreme Judicial Council at least 14 (fourteen) days before the vote of the respective candidate.

II. PUBLIC DISCLOSURE AND CONSIDERATION OF THE CANDIDATES

1. The candidates for President of the Supreme Court of Cassation and President of the Supreme Administrative Court shall be heard respectively by the Plenum of the judges of the Supreme Court of Cassation and the Supreme Administrative Court, who express an opinion on the availability of the qualities under Art. 170, para. 4 and 5 of the Judiciary System Act.

2. All documents referred to in items 5, 7 and 8 of Section I shall be published on the website of the Supreme Judicial Council within three working days of their receipt, not later than two months before the public hearing, in accordance with the Law on Protection of Personal Data and the Law on the Protection of Classified Information. All data in the documents of the candidates, which are personal data within the meaning of the Law on Protection of Personal Data, shall be deleted.

3. Non-profit legal entities designated to carry out public service activities, the professional organizations of the judges, prosecutors and investigators, the higher education institutions and the scientific organizations may, not later than 7 days before the hearing, submit opinions to the Supreme Judicial Council on the applicant, including questions to be asked. Anonymous

opinions and signals shall not be considered. The submitted opinions and questions shall be published on the website of the Supreme Judicial Council within three days after their submission in compliance with the Law on Protection of Personal Data.

4. Questions, as well as opinions on the moral and professional qualities of the candidates, within the time limits under item 3, may also be submitted by their colleagues, as well as the bodies and institutions with which the candidate have worked.

5.1. The questions submitted and received and the opinions submitted to the SJC shall be summarized by the Committee on Legal and Institutional Affairs, which informs the candidates about them. The Committee shall forward opinions concerning the moral qualities of the candidates of the Committees on Professional Ethics to the respective Colleges, and those concerning their professional qualities – to the Committees on the Assessment and Competitions to the respective Colleges. The Committee on Legal and Institutional Affairs shall provide the candidate with the opportunity to reply and to present evidence before the hearing, if that would be necessary to clarify certain facts and circumstances.

5.2. (Adopted by decision under Protocol No. 32 / 10.07.2014) The Committee on Professional Ethics to the respective College shall collect and analyze the data contained in the public registers and other reliable sources of information. The Committee may request additional documents from other public authorities and answer questions from the candidates. The Candidates shall have the right to attend the Committee meetings when issues related to them are discussed. Minutes are kept for the meetings of the Committee, which are published on the website of the SJC in compliance with the requirements of the LPPD and the LPCI.

5.3. (Adopted by decision under Protocol No. 32 / 10.07.2014) Magistrates and non-profit legal entities, registered for the public benefit, may express their views on the moral qualities of the candidates, within the time limits laid down in these rules, and to that end they can make requests for collection of materials and for verification of certain circumstances. The opinions and results of the inspections shall be included in the final report of the Committee on Professional Ethics of the respective College under Art. 173, paragraph 9 of the Judiciary System Act.

6. The submitted and received questions and opinions to the SJC and the received answers shall be published on the website of the Supreme Judicial Council within 3 (three) working days following their receipt. Anonymous signals, specific data constituting classified information, as well as facts about the private life of the candidates shall not be published.

7.1. The Committee on Assessment and Competitions to the respective College shall check the documents and give a conclusion on the compliance of the candidates with the requirements of art. 170, paragraph 4 and 5 of the Judiciary System Act for the occupation of the post.

7.2. (Adopted by decision under Protocol No. 32/10.07.2014) The Committee on Assessment and Competitions to the respective college shall collect and analyze the data contained in all accessible and reliable public sources of information on the professional qualities of the candidates. The Candidates shall have the right to attend the Committee meetings when issues related to them are discussed. Minutes are kept for the meetings of the Committee, which are published on the SJC's website in compliance with the requirements of the LPPD and the LPCI.

7.3. (Adopted by decision under Protocol No. 32 / 10.07.2014) Magistrates and non-profit legal entities registered in the public interest may express their views on the professional qualifications of the candidates, within the time limits laid down in these rules, and to that end they can make requests for collection of materials and for verification of certain circumstances. The opinions and results of the inspections shall be included in the final report of the Committee under Art. 173, paragraph 9 of the Judiciary System Act.

III. HEARING PROCEDURE

1. Based on the report under Art. 173, para. 9 of the Judiciary System Act , the respective College shall decide on the admission and non-admission of candidates to a hearing. The Candidates who do not meet the following criteria shall not be admitted to the hearing:

- do not have the required 12 years of legal experience;
- are not entitled to re-election within the meaning of Art. 129, para. 2, first sentence of the Constitution of the Republic of Bulgaria;
- have not submitted a concept for their work as President of the Supreme Court of Cassation, President of the Supreme Judicial Court or Prosecutor General, as well as a declaration of the property status and origin of the resources for the acquisition of the property in accordance with a model approved by the Supreme Judicial Council.

2. Candidates who, despite the instructions given, have not eliminated the omissions found in their documents within the deadline set by the respective committee, and therefore no conclusions can be drawn about the candidate's compliance with the requirements of the law, shall not be admitted to the hearing.

3. The list of candidates who are not admitted to election shall also indicate the grounds for non-admission. The candidates who have not been admitted may file a written objection to the Plenum of the Supreme Judicial Council within three days of the announcement of the lists.

4. The list containing the three names of the admitted and non- admitted candidates shall be published on the website of the Supreme Judicial Council at least 7 (seven) days before the date of the election. This provision shall apply in case of submitted objections within the meaning of item 3 of this section.

5. The Plenum of the Supreme Judicial Council shall announce the date, the time and the place of the hearing for each candidate at least one month before its holding, in alphabetical order.

6. The hearing shall be chaired by the person chairing the Plenum and shall be broadcasted in real time online through the SJC website and through the Bulgarian National Television (BNT).

7.1. (Adopted by decision under Minutes No. 32/10.07.2014) Before the hearing commences, the Committee on Assessment and Competitions to the relevant College shall report to the Plenum of the SJC all received proposals, documents and materials for them, as well as the inspections and conclusions for the professional skills possessed by the candidates.

7.2. The Professional Ethics Committee to the relevant College reports to the SJC Plenum on the results of the examinations carried out on the moral qualities possessed by the candidates.

8. The candidates shall be presented by the nominating person within 10 (ten) minutes.

9. During the hearing, the candidates present their concepts for the work as President of the Supreme Court of Cassation, President of the Supreme Administrative Court and Prosecutor General and shall answer the questions of members of the Supreme Judicial Council, including those received by the persons under item 2, item 3 and item 4 of section II, within the time specified by the Plenum of the Supreme Judicial Council.

10. The duration of the personal presentation of the concept by the candidate shall be up to 20 minutes.

11. The questions submitted to the candidates shall be summarized and asked by the person chairing the session of the SJC Plenum. After that, questions shall be asked by the SJC members and the Chief Inspector.

12. The time for response from the candidates is up to 30 minutes, with an opportunity for extension.

13. The SJC members shall evaluate the candidate on:

- the possessed professional and moral qualities;
- his managerial competence, based on an assessment of the content of the concept presented and the results of the hearing, on the following indicators:

1. Clearly defined strategic goals and outlined operational priorities in the activity of the Supreme Court of Cassation, the Supreme Administrative Court and the Prosecutor's Office of the Republic of Bulgaria.
2. Development of new ideas and solutions for the development of the Supreme Court of Cassation, the Supreme Administrative Court and the Prosecutor's Office of the Republic of Bulgaria.
3. Ability to make independent, timely, lawful and fair management decisions in an objective and transparent manner.
4. Excellent collaboration skills and ability to lead teamwork.

Each member of the SJC may express an opinion on the nomination of the candidate.

IV. ELECTION PROCEDURE

1. All candidates shall be voted at the same time through the electronic system of voting of the Plenum of the Supreme Judicial Council. Each SJC member shall have the right to vote in favor of only one candidate.
2. The Plenum of the Supreme Judicial Council shall adopt the decision to select a candidate by a majority of not less than seventeen votes from its members by open vote.
3. Where none of the candidates has received seventeen or more votes of the members of the Plenum of the Supreme Judicial Council in the first ballot, the election shall continue for the two candidates who received the highest number of votes.
4. If, during the second ballot, neither candidate has received 17 or more votes from the SJC members, the procedure shall be terminated.
5. The decision of the SJC Plenum for the person elected for President of the SCC, for the President of the SAC or the Prosecutor General shall be published immediately on the SJC's website together with the minutes of the meeting of the SJC Plenum.
6. The Plenum of the Supreme Judicial Council shall prepare and send a proposal to the President of the Republic of Bulgaria for the appointment of the selected candidate, pursuant to Art. 129, para 2 of the Constitution.
7. According to these rules, a new procedure for the election of the President of the Supreme Court of Cassation, the President of the Supreme Administrative Court and the Prosecutor General shall be conducted when:
 - The President of the Republic of Bulgaria refuses to appoint the proposed candidate with the decision of the SJC Plenum under item 5.
 - When the procedure is terminated under the conditions of item 4.
8. On the basis of the decision of the Plenum of the SJC of the re-election, within the term under item 6, a proposal shall be made and sent to the President of the Republic of Bulgaria for appointment of the elected candidate. The President may not refuse the appointment upon a repeated proposal.