Draft Law Amending and Supplementing the Criminal Procedure Code

Complete English translation

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Author's proposal for legislative reform under Article 45 of the Constitution of the Republic of Bulgaria and Article 18(1) and (2) of the Law on Normative Acts. The underlying draft is not a bill formally introduced by a person or body entitled to exercise legislative initiative, and it is not enacted or current law.

Translation note

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The source letter, proposed provisions, Explanatory Memorandum, and references are translated in full. Bulgarian article identifiers retain their original Cyrillic letter suffixes. Source-page markers refer to the Bulgarian PDF; the English pagination is independent.

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TO THE MINISTER OF JUSTICE

TO THE COUNCIL OF MINISTERS OF THE REPUBLIC OF BULGARIA

TO THE NATIONAL ASSEMBLY OF THE REPUBLIC OF BULGARIA

through the President of the National Assembly

with a request for referral to the Legal Affairs Committee

PROPOSAL FOR IMPROVEMENT OF LEGISLATION

under Article 45 of the Constitution and Article 18(1) and (2) of the Law on Normative Acts

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Pursuant to Article 45 of the Constitution of the Republic of Bulgaria and Article 18(1) and (2) of the Law on Normative Acts, I submit in my own name this draft Law Amending and Supplementing the Criminal Procedure Code, together with its Explanatory Memorandum, as a proposal for improvement of legislation. It forms part of a package of proposals to amend and supplement the Criminal Code, the Criminal Procedure Code, and the Judicial System Act.

I request that the Minister of Justice arrange an expert assessment and, if the proposal is accepted, take the necessary steps to prepare a draft law for consideration by the Council of Ministers.

I request that the Council of Ministers assess the proposal in light of its power under Article 87(1) of the Constitution and, if its assessment is favorable, commission the necessary preparations for exercising legislative initiative.

I request that the President of the National Assembly refer the proposal to the Legal Affairs Committee and make it available to the Members of the National Assembly for their information, discussion in accordance with the established procedure, and consideration of whether to exercise legislative initiative.

I request notification of the incoming registration number, referral to the competent authority, and outcome of the consideration through the Secure Electronic Delivery System (SSEV), with an additional notification to the email address specified above.

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Draft

LAW AMENDING AND SUPPLEMENTING THE CRIMINAL PROCEDURE CODE

(promulgated, State Gazette, No. 86 of 2005; amended and supplemented, Nos. 46 and 109 of 2007, Nos. 69 and 109 of 2008, Nos. 12, 27, 32, and 33 of 2009, Nos. 15, 32, and 101 of 2010, Nos. 13, 33, 60, 61, and 93 of 2011, Nos. 19, 20, 25, and 60 of 2012, Nos. 17, 52, 70, and 71 of 2013, No. 21 of 2014, Nos. 14, 24, 41, 42, 60, 74, and 79 of 2015, Nos. 32, 39, 62, 81, and 95 of 2016, Nos. 13, 63, and 101 of 2017, Nos. 7, 44, 87, and 96 of 2018, Nos. 7, 16, and 83 of 2019, Nos. 98, 103, and 110 of 2020, Nos. 9, 16, 20, 41, 80, and 85 of 2021, Nos. 32 and 62 of 2022, Nos. 48, 69, 84, and 86 of 2023, Nos. 18, 36, and 39 of 2024, Nos. 61, 65, and 97 of 2025, Nos. 16, 32, 51, and 59 of 2026)

§ 1. Article 15a is inserted:

“Protection before formally charging a person as an accused

Article 15a. (1) A person in respect of whom a pretrial authority or another state authority has specific information giving rise to suspicion of involvement in an offense shall have the right to be informed of the nature of the suspicion, to remain silent, to receive confidential consultation and assistance from an attorney, and to receive interpretation into a language that the person understands before being asked questions concerning that involvement. These rights shall also be ensured where the information emerges during questioning or the taking of information, including before pretrial proceedings are instituted.

(2) In the cases under paragraph (1), questioning or the taking of information shall cease until the rights have been explained and an opportunity to exercise them has been provided. Articles 91-99 and the Legal Aid Act shall apply accordingly to participation by, appointment of, and waiver of assistance from an attorney. A waiver shall be recorded in writing after its consequences have been explained; it may be withdrawn at any time and shall not be permitted where defense counsel is mandatory. Once suspicion has arisen, the person shall not be questioned as a witness concerning that person's own involvement; where the conditions under Article 219 are met, the person shall be formally charged as an accused.

(3) The explanation of rights, the person's decision, and the time allowed for consultation shall be recorded in a written record, a copy of which shall be provided to the person. Where questioning or the taking of information takes place, Article 240 shall also apply. Consultation with the attorney shall be confidential and shall not be listened to or recorded. Documents and communications relating to legal assistance shall enjoy the statutory protection of attorney confidentiality.

(4) The exercise of the rights under this Article may not justify an inference adverse to the person. Providing those rights shall not substitute for formally charging the person as an accused and shall not constitute an independent ground for procedural coercion.

(5) This Article shall not prevent the lawful performance of urgent measures to preserve evidence that do not involve questioning or taking information from the person.

(6) In the event of refusal or failure to ensure the rights under this Article, the person or the person's attorney may apply to the district court for the place where the rights should have been ensured. The authority shall provide the requested materials and a statement within twenty-four hours after receiving the court's request. A single judge shall rule within three days after the application, where necessary after hearing the person and the authority, determine whether the refusal or inaction is lawful, and, where the violation is continuing, order it to cease and the rights to be ensured. Failure to submit the materials shall not

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prevent a ruling. The order shall be final and immediately enforceable. This procedure shall not replace the statutory review of the detention itself.

(7) Where the conditions for mandatory defense under Article 94 are met, or the person lacks the means to pay an attorney, wishes to have one, and the interests of justice so require, the authority under paragraph (1) shall rule immediately on the provision of legal aid and appoint an attorney designated by the relevant bar council. Article 25(4)-(6) and Article 26 of the Legal Aid Act shall apply accordingly, as shall, in urgent cases, the procedure for designating an attorney on duty. Legal aid shall be paid from the budget of the National Legal Aid Bureau. A person granted such aid for lack of means shall not be required to reimburse the costs. Refusal and inaction shall be challenged under the procedure in paragraph (6)."

§ 2. Article 31 is amended and supplemented as follows:

1. Paragraph (4) is amended to read:

"(4) The court shall rule immediately by a reasoned order on a self-recusal. Where recusal is requested by a party, the person concerned may immediately recuse himself or herself."

2. Paragraphs (5)-(9) are inserted:

"(5) Where the person has not recused himself or herself, the admissibility and merits of the request shall be decided by another judge of the same court when the case is being heard at first instance and, in all other cases, by another panel of three judges of the same court. The judge or panel shall be selected under the rules for random case assignment. The persons concerned by the request shall not participate in deciding it. The materials shall be provided immediately. Where no judge or panel can be selected, Article 43, item 4 shall apply.

(6) The ruling under paragraph (5) shall be made in a closed session within three days after receipt of the materials, after the parties and the person whose recusal is sought have been given an opportunity to submit their views. The court shall examine the specifically identified circumstances and the materials submitted in their support. Reliance solely on the court's independence or the absence of a personal interest shall not suffice where other circumstances giving rise to objectively justified doubt as to impartiality have also been raised. The order shall not be subject to a separate appeal or prosecutorial protest; its lawfulness shall be examined upon review of the final judicial act.

(7) Pending a ruling on the request, only measures that cannot be postponed in view of preserving evidence or protecting the rights of participants shall be taken. The reasons for urgency shall be stated in the record. No judgment, decision on the merits of the charge, order approving a plea agreement, or act terminating the criminal proceedings may be issued.

(8) A repeated request for recusal of the same person based on the same facts, on which a ruling under paragraph (5) has already been made, may be left unexamined by the panel hearing the case if it contains no new relevant circumstances or materials. The order shall identify the previous ruling and examine whether new circumstances or materials exist. Filing a report against a judge or lay judge shall not in itself constitute grounds for that person's recusal.

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(9) Circumstances relevant to the assessment under Article 29 that are known to a member of the court panel shall be disclosed to the parties and entered in the record. The recusal request, the statements of views, and the ruling shall be included in the case file.”

§ 3. Item 4 is inserted in Article 43:

“4. the court cannot select a judge or panel to rule under Article 31(5); in that case, the Supreme Court of Cassation shall designate another court of the same level to rule solely on the recusal request.”

§ 4. Paragraphs (5)-(8) are inserted in Article 47:

“(5) In pretrial proceedings, the ruling under paragraph (4) shall be made within three days after receipt of the request. It shall contain a separate response to the specific circumstances giving rise to doubt as to impartiality. A copy shall be sent immediately to the person requesting recusal and the prosecutor concerned.

(6) A refusal to grant recusal may be appealed by the person who requested it before the relevant court of first instance within seven days after receipt of the copy. Failure to rule within the time limit under paragraph (5) may be challenged before the same court for as long as it continues. The court shall rule by a final order within three days, after providing the person requesting recusal and the prosecutor concerned an opportunity to submit their views. If recusal is granted, another prosecutor shall be designated under the procedure established by law; the court shall not identify a particular prosecutor.

(7) Filing a request or appeal shall not stay the investigation. At the request of the interested person, the court may order that, pending its ruling, only measures that cannot be postponed be taken, where specific information has been submitted indicating grounds for recusal and a risk of harm that would be difficult to remedy. A repeated request based on the same facts and already examined by the court shall be left unexamined unless it contains new relevant information. Filing a report against a prosecutor shall not in itself constitute grounds for recusal.

(8) Paragraphs (5)-(7) shall not alter the special procedure under Article 411e or the procedure for recusal of the European Prosecutor and the European Delegated Prosecutors under Regulation (EU) 2017/1939.”

§ 5. Article 63 is amended and supplemented as follows:

1. Paragraph (2) is amended to read:

“(2) The risk under paragraph (1) shall be established on the basis of specific and current circumstances. The seriousness of the charge, the prescribed penalty, a previous conviction, or the hearing of the case in the absence of the accused shall not in themselves suffice to establish that risk. The burden of substantiating the necessity of detention shall rest with the prosecutor.”

2. Paragraph (13) is inserted:

“(13) When imposing the measure and whenever upholding it, the court shall give separate reasons concerning the reasonable suspicion, each risk established under paragraph (1), and the inadequacy of applicable less restrictive measures, including house arrest with electronic monitoring. When continuing detention, the court shall examine its overall duration, the measures taken, the reasons for delay, the person's state of health, and the availability of necessary treatment. Reference solely to an earlier judicial act shall not suffice.”

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§ 6. In Article 65:

1. The following second and third sentences are added to paragraph (2): “The request may also be filed directly with the relevant court of first instance, which shall immediately request the case file. The prosecutor shall send it no later than the following day.”

2. Paragraph (6) is repealed.

§ 7. Article 65a is inserted:

“Periodic judicial review

Article 65a. (1) In pretrial proceedings, the necessity of detention in custody shall be reviewed by the relevant court of first instance no later than thirty days after a court last ruled on the merits of the measure.

(2) The prosecutor shall submit the case file and a reasoned request no later than five days before expiry of the time limit, unless the prosecutor has varied or revoked the measure before then. The request shall include an account of the measures taken, the specific reasons why the investigation has not been completed, and the circumstances justifying continued detention. A copy shall be provided immediately to the accused and defense counsel.

(3) When issuing its latest ruling, the court of first instance shall set the date for the next review. Where another judicial act on the merits of the measure has been issued in the meantime, the court of first instance shall set a new date of its own motion. The appellate court shall immediately send a copy of its act to the court of first instance. Failure to receive a request under paragraph (2) shall not relieve the court of its obligation to conduct a review; the case file shall be requested immediately.

(4) The review shall be conducted in an open hearing with the participation of the prosecutor, the accused, and defense counsel, under the procedure in Article 65(3)-(5) and (7)-(10). The court shall uphold, vary, or revoke the measure. Where there is insufficient information to establish grounds for its continuation, the court shall revoke it or replace it with a less restrictive measure. Failure to submit the case file may not justify postponing the review.

(5) Where a request under Article 65 is being considered within the same period, the reviews shall be conducted together without extending the time limits under Article 65. A request or prosecutorial protest that has been filed shall not extend the time limits under Article 63(4).

(6) Paragraphs (1)-(5) shall apply accordingly to house arrest and detention resulting from failure to deposit the monetary guarantee set.”

§ 8. In Article 97(1), the words “and in the cases under Article 15a” are added after the words “in the capacity of an accused”.

§ 9. Paragraphs (3)-(5) are inserted in Article 105:

“(3) Statements and other means of proof obtained through torture, inhuman or degrading treatment, unlawful violence or threats, as well as means of proof obtained directly as a result of such conduct, shall be inadmissible. This prohibition shall not prevent their use to establish liability for the unlawful conduct itself.

(4) Statements obtained in violation of the right to remain silent or the right of access to an attorney in the cases under Article 15a, Article 55, or Article 94 may not be used

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against the person. This prohibition may not be circumvented by reading out a document or questioning the person who obtained the statement.

(5) Subsequent confirmation of a statement shall not cure the violation. New explanations given independently after defense rights have actually been ensured shall be assessed separately, after verifying that they were voluntary and that the effects of the previous violation have ceased. The prohibition under paragraph (3) shall apply irrespective of confirmation.”

§ 10. Paragraphs (6)-(8) are inserted in Article 107:

“(6) The prosecutor and investigating authorities shall examine the versions of events substantiated by the information in the case, including those excluding or reducing liability. Materials obtained during preliminary checks and the investigation that may be relevant to the circumstances under Article 102 or the reliability of a source of evidence shall be inventoried and preserved regardless of whether the prosecution intends to rely on them. Relevant materials collected before the institution of pretrial proceedings shall be included in the case file.

(7) The inventory under paragraph (6) shall contain a unique number, origin, date of receipt, brief description, location, and information on access granted or restricted. The inventory shall be updated when new material is received. Preservation and access shall be ensured in compliance with the statutory rules on the protection of information and the use of special surveillance means.

(8) When refusing to permit the collection or examination of evidence, the court shall identify the circumstance that the request seeks to establish and the specific reasons for the refusal. A refusal may not be based solely on a preliminary assessment of the credibility of evidence that has not been collected. Reliance solely on procedural economy or an earlier ruling shall not suffice where new relevant arguments or circumstances have been identified. The request, objections to it, and the order shall be entered in the record.”

§ 11. Article 107a is inserted:

“Ruling on admissibility

Article 107a. (1) Where a specific objection to admissibility is raised, the court shall, after hearing the parties and collecting the necessary evidence, rule by a reasoned order before using the contested means of proof in deciding the case. The court shall rule of its own motion where it identifies grounds under Article 105.

(2) The order shall identify the violation established, the right affected, and the consequences for admissibility. Doubts concerning the credibility of admissible means of proof shall be assessed as part of the overall evaluation of the evidence and shall not substitute for examination under Article 105.

(3) The order shall not be subject to a separate appeal or prosecutorial protest; its correctness shall be reviewed upon appeal against the final judicial act. In the event of new circumstances, the court may vary it after hearing the parties. Excluded materials shall remain in the case file for the purposes of review, with express identification of the grounds for their exclusion and the purposes for which their use is inadmissible.”

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§ 12. Article 110a is inserted:

“Traceability and integrity

Article 110a. (1) A log shall be maintained for every object, sample, medium, or set of computer information data seized, voluntarily surrendered, or obtained during a procedural measure, containing an identifier, the date, time, person transferring and person receiving it, purpose of the transfer, condition of the packaging, and measure performed. The log shall be included in the case file.

(2) Opening, sampling, examination, copying, alteration, destruction, or return shall be recorded. Digital copying shall be documented by recording the means used, scope of the copy, and verification of identity by checksums or another scientifically substantiated method. The original shall be preserved in accordance with the law; necessary alterations shall be described.

(3) Before an examination that exhausts or irreversibly alters the object, the authority shall notify the accused and defense counsel, if known, and give them an opportunity to put questions and request preservation of a control sample where possible. Where there is an imminent risk of losing the evidence, the measure shall be performed immediately, with the reasons documented and the persons notified afterward.

(4) An omission in the log shall be examined by reference to the remaining evidence. Where authenticity or integrity cannot be reliably established, the relevant data may not substantiate the charge. The admissibility of the means of proof shall be assessed under Articles 105 and 107a, and their evidentiary significance as part of the overall evaluation of the evidence.”

§ 13. Article 111 is amended and supplemented as follows:

1. In paragraph (2), the words “to the entitled persons from whom they were taken” are replaced with “to the entitled persons in accordance with the procedure under this Article”.

2. Paragraph (3) is amended to read:

“(3) The prosecutor shall rule on a request for return by a reasoned decree within three days. A copy shall be sent immediately to the person requesting return, the person from whom the object was seized, and other known persons who have submitted specific information concerning their right to it. Those persons may appeal the decree before the relevant court of first instance within seven days after receipt of the copy. Failure to rule within the three-day time limit may be challenged directly before the same court for as long as it continues. The court shall request the relevant materials and give the prosecutor and persons asserting competing claims an opportunity to submit their views. A single judge shall issue a final order in a closed session within seven days after receipt of the appeal. Where necessary, the judge shall hear the persons concerned. When granting the appeal, the court shall order the return of the object or its continued safekeeping where the grounds under paragraphs (1) and (2) or Article 113 exist.”

3. Paragraphs (6)-(10) are inserted:

“(6) The rights under paragraph (3) shall be exercised irrespective of whether the person has any other procedural status in the case. Within three days after their request, persons shall be given access to the materials necessary to protect their rights in the object, with Article 227a(3)-(7) and (9) applying accordingly. Article 213(11) shall apply accordingly to calculation of the appeal period where access has been requested.

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(7) A decree ordering return of an object shall not be executed before the appeal period for the persons under paragraph (3) has expired or, where an appeal has been filed, before the court has ruled. Where delay poses a risk of significant harm, the court may, at an interested person's request, allow immediate execution after giving the other known persons an opportunity to submit their views. A dispute over a right supported by specific information shall preclude handing the object over to one of the disputing parties; Article 113 shall apply. Handing over or returning an object shall not resolve a dispute over ownership or another right in rem with the force of res judicata.

(8) Every ruling on return shall assess the current evidentiary necessity, overall duration of retention, consequences for the entitled persons, and possibility of achieving the purpose through a copy, sample, or other less burdensome means. The prosecutor shall conduct this review of his or her own motion at least once every three months and, where the grounds no longer exist, shall order return in compliance with Article 113. Reliance solely on the fact that the criminal proceedings have not concluded shall not suffice.

(9) In court proceedings, the request for return shall be filed directly with the court before which the case is pending, including by a third party. The court shall rule within seven days, after giving the prosecutor, the parties whose rights are affected, and the persons under paragraph (3) an opportunity to submit their views. The order shall be subject to appeal and prosecutorial protest under the procedure in Chapter Twenty-Two. Paragraphs (6)-(8) shall apply accordingly.

(10) Paragraphs (3) and (6)-(9) shall not displace the special procedure for the measures under Articles 72-73a or the rules in paragraphs (4) and (5). Retaining an object as physical evidence may not substitute for the necessary securing measure where evidentiary necessity no longer exists and the sole purpose is to secure future confiscation or a claim."

§ 14. Paragraphs (4)-(6) are inserted in Article 152:

"(4) The expert report shall identify the method applied, its scientific basis, the conditions and limitations of its application, the comparative material used, the established uncertainty or possibility of error where ascertainable, and the grounds for each material conclusion.

(5) Examination records and available primary data necessary to verify the expert report shall be appended to it. Where their volume or the protection of information prevents their inclusion, their location and the procedure for accessing them shall be stated. Article 227a shall apply to access in pretrial proceedings; in court proceedings, the court shall decide.

(6) The expert shall disclose circumstances that may affect his or her impartiality. The absence of a scientific basis for a categorical answer shall be stated expressly; it shall not be replaced with a supposition presented as an established fact."

§ 15. In Article 153, the existing text becomes paragraph (1), and paragraph (2) is inserted:

"(2) A refusal to commission a supplementary or repeat expert examination shall contain a separate response to the material omissions, contradictions, and methodological objections identified."

§ 16. Paragraph (3) is inserted in Article 196:

"(3) The measures under paragraph (1), items 4 and 5 shall be taken by a reasoned decree specifying the particular factual and legal grounds, the measures taken to date, and the organizational measures necessary to continue the investigation. The decree shall be

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included in the case file and communicated to the investigating authority concerned. The new investigating authority shall be designated under the procedure established by law. A good-faith objection concerning unlawfulness, a report of a violation, or disagreement with a direction shall not in itself constitute grounds for removal or taking over the investigation.”

§ 17. Article 197 is amended to read:

“Article 197. (1) A prosecutor's written directions to an investigating authority shall be binding.

(2) The investigating authority may submit a reasoned written objection to a direction as being contrary to law to a prosecutor from the higher-level prosecution office. The objection and the ruling shall be included in the case file. A prosecutor who did not give the contested direction shall rule on the objection within three days. The objection shall not stay execution unless the competent prosecutor orders otherwise. A direction to perform an act constituting an offense shall not be executed and shall immediately be reported to the competent authority.

(3) Paragraph (2) shall not introduce national hierarchical control over the European Prosecutor and the European Delegated Prosecutors. In cases under Chapter Thirty-One ‘a’, an objection to a direction by the investigating prosecutor shall be examined by the prosecutor exercising supervision under Article 411г. Where the direction was given by the supervising prosecutor, that prosecutor shall examine a reasoned request for its reconsideration within three days. This shall not restrict recusal under Article 411е or the judicial review provided by law.”

§ 18. Paragraphs (3)-(5) are inserted in Article 198:

“(3) Providing materials to the accused and defense counsel for the exercise of the right of defense under this Code shall not constitute disclosure under paragraph (1) and shall not be conditional on separate authorization under that paragraph.

(4) Authorization under paragraph (1) shall be in writing and reasoned. It shall specify the lawful purpose, the particular necessity for disclosure, the scope of the data, and the measures to protect privacy, the presumption of innocence, witnesses, and other affected persons. Disclosure of data unnecessary for the stated purpose or presentation of a person as guilty before a conviction has become final shall not be permitted. This shall not prevent necessary objective information concerning the progress of the proceedings, searches for persons, or prevention of imminent danger, subject to the restrictions under paragraph (1).

(5) Where information has been disclosed in breach of paragraph (4) by or on behalf of a pretrial authority, the affected person may apply to the relevant court of first instance for a declaration and cessation of the continuing violation. The court shall rule within seven days, by a final order, after giving the person and the authority an opportunity to submit their views. If it grants the request, the court may order removal of the unlawfully disclosed information from the authority's official channels or publication of a clarification of the person's procedural status in the same manner. The ruling shall not determine guilt or restrict the right to compensation or the freedom of the media to report on the proceedings in accordance with the law.”

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§ 19. Paragraphs (3)-(5) are inserted in Article 199:

“(3) Decrees refusing to institute pretrial proceedings, terminating or suspending criminal proceedings, and refusing to resume suspended proceedings shall also contain:

1. a specific description of the facts examined and precise identification of the legal ground applied;

2. an analysis of the relevant materials and evidence, including material contradictions between them;

3. a response to the material arguments and requests of persons whose rights are affected and an explanation of why the relevant measures they identified have not been performed;

4. the reasons why the available information or evidence supports the relevant conclusion, distinguishing between the requirements for instituting proceedings, formally charging a person as an accused, and committing a person for trial;

5. the procedure, time limit, and persons entitled to appeal the act, and the procedure for access to the materials.

(4) A general reference to inner conviction, a conclusion from a preliminary check, an expert report, or a previous act shall not substitute for the reasons under paragraph (3). Where it is concluded that no offense exists because of insignificance, the specific circumstances justifying application of Article 9(2) of the Criminal Code shall be examined separately from the requirements for a minor case. Where it is concluded that the case is unproven, the material circumstances that remain unclarified and the reasonably necessary measures taken to clarify them shall be identified.

(5) The requirements under paragraphs (2)-(4) shall also apply to an act that, regardless of its designation, definitively concludes the preliminary check into a report of an offense without instituting pretrial proceedings. Referral to a competent authority shall not in itself constitute such an act; it shall be communicated to the submitter, identifying the receiving authority.”

§ 20. In Article 200, the existing text becomes paragraph (1), and paragraph (2) is inserted:

“(2) An appeal may not be decided by a prosecutor who issued the decree appealed against, participated in its preparation, or gave written directions whose implementation is challenged. The appeal shall be assigned to another prosecutor in the competent prosecution office under the procedure established by law. Participation in another procedural measure in the same proceedings shall not in itself result in recusal; the grounds under Article 47 shall apply.”

§ 21. In Article 202(2), the words “except in the cases under Article 213(9)” are added at the end.

§ 22. Paragraph (5) is inserted in Article 207:

“(5) Where the conditions under paragraph (1) are met, institution of proceedings may not be postponed until completion of a preliminary check under the Judicial System Act or administrative, disciplinary, or other proceedings. Those proceedings shall not replace investigative measures. A refusal solely because civil-law relationships exist shall not be permitted where the reported facts also indicate an offense.”

§ 23. Paragraph (3) is inserted in Article 211:

“(3) The assessment under paragraph (1) shall not require the degree of proof necessary for formally charging a person as an accused or entering a conviction. Failure to examine a specifically identified and available

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source of relevant information may not in itself justify a conclusion that sufficient information is lacking. Where there is an imminent risk of losing evidence, Article 212(2) shall apply.”

§ 24. Article 212a is inserted:

“Registration and time limit for a ruling on a report of an offense

Article 212a. (1) A report of an offense shall be registered immediately upon its initial receipt by the prosecution office, an authority of the Ministry of Interior, or another pretrial authority. Where the report is received outside the prosecution office, it shall be sent to the competent prosecutor together with the available materials immediately, but no later than three days after its receipt; where proceedings are instituted under Article 212(2), notification under Article 212(3) shall apply. The initial receipt date shall be preserved upon every referral. Within three days, the submitter shall be notified of the registration date and number and the prosecution office to which the report has been sent, where an address for notifications has been provided. Upon registration at the prosecution office, the submitter shall also be notified of the prosecution file number and the competent prosecution office.

(2) The prosecutor shall rule under Articles 207 and 213 within one month after the report's initial receipt by an authority under paragraph (1). Where a preliminary check under Article 145(1), item 2 or 3 of the Judicial System Act is necessary, the time limits under Article 145(2) of that Act shall apply, but a ruling shall be made no later than four months after initial receipt. The submitter and the known victim or injured legal entity shall be notified of the commissioning and extension of the preliminary check and the final deadline. These time limits shall not relieve the authorities of their obligation to institute proceedings immediately where the conditions under Article 207(1) are met.

(3) Referral, joinder, severance, renumbering, or commissioning an additional preliminary check concerning the same facts shall not restart the time limit. For new independent facts, the time limit shall be calculated separately without postponing the ruling on the initial report.

(4) Failure to comply with the time limit shall not result in automatic refusal or automatic institution of pretrial proceedings. It shall not relieve the prosecutor of the obligation to rule and shall be subject to judicial review under Article 213в.

(5) Application of this Article shall not affect Article 212(2) or the special rules concerning the European Public Prosecutor's Office and investigation of offenses committed by the Prosecutor General or a deputy.”

§ 25. Article 213 is amended and supplemented as follows:

1. Paragraph (4) is amended to read:

“(4) An upheld decree refusing to institute pretrial proceedings for a publicly prosecutable offense shall be subject to appeal by the persons under paragraph (1) before the relevant court of first instance within fourteen days after receipt of the copy. Review shall also cover the correctness of a conclusion that the reported facts do not constitute an offense or are prosecutable upon a private complaint by the victim. The persons under paragraph (1) shall be entitled to access the preliminary-check materials under the procedure in paragraph (11). The right to judicial appeal shall not depend on the legal classification adopted by the prosecutor.”

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2. The following second and third sentences are added to paragraph (5): “The court shall also examine compliance with Article 199(3)-(5) and the proper application of Articles 207 and 211. Where necessary, it may hold an open hearing after summoning the prosecutor and appellant.”

3. The following second and third sentences are added to paragraph (6): “The court shall identify the material omissions in the preliminary check and set a time limit for a new ruling, taking account of the necessary measures, which may not exceed three months. The court shall not designate the person to be formally charged as an accused or prejudge guilt.”

4. Paragraphs (9)-(13) are inserted:

“(9) An appeal under paragraph (1) shall be examined by a prosecutor who did not participate in issuing the act appealed against and did not give directions predetermining the contested conclusion. The file shall be sent within three days after receipt of the appeal; the prosecutor from the higher-level prosecution office shall rule within fourteen days after receiving it. Where requesting additional materials is objectively necessary, the time limit may be extended once by a reasoned decree for no more than fourteen days; the decree shall be communicated to the appellant.

(10) After the time limit under paragraph (9) expires without a ruling, the persons under paragraph (1) may appeal the initial refusal directly before the court under paragraph (4). Where the appeal has been filed through the prosecutor who issued the refusal and the file has not been sent within the three-day time limit under paragraph (9), for the purposes of judicial appeal the fourteen-day time limit under paragraph (9) shall run from expiry of the time limit for sending it; subsequent referral shall not restart that time limit. The court shall immediately request the file. An act upholding the refusal issued after the court has been seized shall be included in the court case file without a new appeal being necessary. If the prosecutor from the higher-level prosecution office sets aside the refusal in its entirety insofar as appealed, the court shall terminate the appeal proceedings. Where it is set aside in part, the court proceedings shall continue in respect of the appealed portion that has not been set aside.

(11) Access shall include an inventory of the materials, inspection of them, and obtaining copies, and shall be provided within three days after the request. Partial access or redaction may be used for specific protected data without preventing an effective challenge. A full or partial refusal shall be in writing and reasoned and may be appealed before the court under paragraph (4) within seven days after notification. Failure to provide access without a written ruling may be challenged after the three-day time limit expires, for as long as the inaction continues. The court shall personally examine the complete material, and a single judge shall rule in a closed session within seven days by a final order; when granting the challenge, the court shall determine the scope of access and a time limit for providing it of no more than three days. If the access request is filed before the appeal period under paragraph (4) expires, that period shall not expire earlier than seven days after access is actually provided or, where a written refusal is not appealed, earlier than seven days after notification of the refusal. In that case, if the written refusal is appealed in time or failure to provide access is challenged, the appeal period under paragraph (4) shall not expire earlier than seven days after notification of the final judicial order; where that order requires access to be granted, those seven days shall run from actual provision of access to the extent ordered by the court, if later. A repeated request for access to the same materials shall not alter the appeal period under paragraph (4). Electronic copies shall be provided free of charge.

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(12) An act under Article 199(5) shall be subject to the same review as a refusal. The absence of instructions on judicial appeal or incorrect instructions may not deprive a person of the right to appeal; the time limit shall begin upon proper notification of the correct procedure.

(13) Paragraphs (9) and (10) shall not apply to acts of the European Prosecutor and the European Delegated Prosecutors. The special rules under Article 213б and Chapter Thirty-One 'a' shall be preserved."

§ 26. Articles 213в and 213г are inserted:

"Judicial protection in the event of failure to rule

Article 213в. (1) After expiry of the time limit under Article 212a(2), the submitter of the report, the victim or the victim's heirs, and the injured legal entity may request that the relevant court of first instance set a time limit for a ruling. The request shall be filed directly with the court and shall not be conditional on a prior appeal to a higher-level prosecution office.

(2) The prosecutor and the authority that initially received the report shall provide the available materials and a statement within three days after being requested to do so. Where the file has not been sent to a prosecutor, the court shall order its immediate transmission. A single judge shall rule in a closed session within fourteen days after the application; failure to provide the file shall not prevent a ruling based on the available information. If the request is well-founded, the court shall set a time limit for a ruling of no more than one month. The court shall not order a refusal, institution of proceedings, or formally charging a particular person as an accused.

(3) The order shall be final. A copy shall be sent to the administrative head of the relevant prosecution office, who shall ensure compliance while respecting the prosecutor's independence and random assignment.

(4) If the time limit set is not complied with, the court shall, at the person's request, require an explanation, set a new time limit of no more than fourteen days, and send the materials to the competent administrative head and the Inspectorate to the Supreme Judicial Council for examination within their powers. This shall not prejudge disciplinary or criminal liability.

(5) Where subject-matter or territorial jurisdiction cannot be determined from the reported facts, the district court for the seat of the prosecution office before which the file is pending shall have jurisdiction; if the report has not been sent to the prosecution office, jurisdiction shall lie with the district court for the seat of the authority that received it. If the court finds that another court has jurisdiction, it shall refer the request to the competent court of its own motion; the submitter shall be deemed to have complied with the time limit.

(6) This procedure shall apply subject to Article 2(1) and the powers of national courts under Article 42(1) of Regulation (EU) 2017/1939; no national hierarchical control over the European Public Prosecutor's Office shall be established.

Compliance with judicial directions

Article 213г. (1) After a court sets aside a refusal, the prosecutor shall append to the new act a statement of compliance with each binding direction and the results of the additional preliminary check. Inability to comply with a direction shall be substantiated by specific facts and measures taken.

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(2) A repeated refusal shall be subject to direct appeal before the court under Article 213(4) within fourteen days after receipt of the copy, with Article 213(11) and (12) applying accordingly. A further act upholding the refusal by a higher-level prosecution office shall not be required.

(3) Repetition of the conclusion that was set aside, without compliance with the binding directions and without established objective impossibility of compliance, shall constitute grounds for setting it aside. After an order setting it aside on those grounds becomes final, the court shall send a copy to the administrative head for assignment to another prosecutor by random assignment and to the Inspectorate to the Supreme Judicial Council for examination within its powers. The new prosecutor shall rule independently in compliance with the court's directions.

(4) Assignment to another prosecutor under paragraph (3), after the order becomes final, shall be effected by a reasoned act included in the file. It shall not constitute a disciplinary penalty or prejudge the grounds for instituting proceedings or the guilt of a particular person.

(5) The rules in paragraphs (3) and (4) concerning assignment to another prosecutor shall not apply to the European Prosecutor and the European Delegated Prosecutors or to the prosecutor investigating offenses committed by the Prosecutor General or a deputy. In those cases, the court shall send its findings to the authority competent under the applicable special procedure, without altering competence or the procedure for designating the prosecutor."

§ 27. In Article 219(3), item 4, the words "if this will not impede the investigation" are replaced with "provided that restrictions on access shall be permitted only under the procedure in Article 227a".

§ 28. Article 227a is inserted:

"Access to materials and judicial review

Article 227a. (1) From the time a person is formally charged as an accused, the accused and defense counsel shall be entitled to access the materials and inventory under Article 107(6) and (7), including materials on which the prosecution does not intend to rely. Access shall be provided immediately or, where organizing it requires time, within three days after the request. Newly received materials shall be provided under the same procedure.

(2) Materials capable of excluding or reducing liability and materials essential to challenging detention or another measure of procedural coercion shall be provided promptly, without a request and, in all cases, before a ruling on the relevant measure. They shall be provided while preserving protected identity under Article 123, without restricting the information necessary for an effective defense. Electronic copies shall be provided free of charge.

(3) The prosecutor may, by a reasoned decree, temporarily restrict access to a specific part of a material where access creates a serious risk to the life or fundamental rights of another person or where this is strictly necessary to prevent a specific and substantial threat to the investigation or national security. The restriction must be compatible with the fairness of the proceedings and may not be based solely on a general reference to investigative secrecy or classification. It shall not be permitted for the materials under paragraph (2). The substance of the restriction shall be communicated to the defense in a manner permitting it to be challenged without disclosure of the protected information.

(4) The prosecutor shall submit the decree and the complete material to the relevant court of first instance within twenty-four hours. A single judge shall rule within

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three days after receipt of the materials, after giving the defense an opportunity to submit written views. The judge shall personally examine the entire material and consider the possibility of partial access, redaction of protected data, or provision of an extract. Where necessary, the judge shall hold a hearing in camera. If the materials are not submitted within the time limit in the first sentence, the restriction shall lapse. Without judicial confirmation, it shall lapse upon expiry of the time limit for a ruling, but no later than four days after it was imposed.

(5) The court shall determine the scope and duration of the restriction, which may not exceed thirty days. An extension shall be permitted under the same procedure on the basis of current circumstances. When the grounds cease to exist, the prosecutor shall immediately provide access. The restriction may not continue after presentation of the investigation materials, except for protected personal data whose nondisclosure does not prevent an effective challenge to the charge.

(6) In the event of refusal or failure to provide access within the time limit under paragraph (1), the accused or defense counsel may apply directly to the relevant court of first instance. The prosecutor shall send the requested materials by the following day. The court shall rule within three days and, where the request is well-founded, set a compliance time limit of no more than twenty-four hours.

(7) The orders under paragraphs (4)-(6) shall be final and immediately enforceable. They shall not prevent a fresh review upon a change in circumstances or review by the court hearing the charge.

(8) In court proceedings, access shall be provided by the court. A charge may not be substantiated by material that the defense has not had sufficient opportunity to inspect and challenge. Where material is provided late, the necessary preparation time shall be allowed.

(9) Access to classified information shall be governed by the statutory rules for its protection, without restricting the court's power to examine the complete material or the safeguards under paragraphs (2) and (8).”

§ 29. The following second sentence is added to Article 229(3): “Article 227a shall apply to requests for access to materials and refusals of such requests.”

§ 30. Paragraphs (12)-(14) are inserted in Article 234:

“(12) Every request and decree extending the investigation shall identify the measures taken, the specific measures remaining, the reasons they have not been performed within the time limit, and the time needed for them. A general reference to factual and legal complexity or workload shall not suffice. An extension under paragraph (3), second sentence shall be permitted for no more than three months for each individual extension.

(13) The accused and defense counsel, the victim or the victim's heirs, and the injured legal entity shall be notified of the length of the extension and its grounds, without disclosure of protected data or specific forthcoming investigative methods. After twelve months have elapsed from institution of proceedings, each new extension may be challenged by those persons within seven days after notification before the relevant court of first instance as a request for review of delay under Article 369, irrespective of the time limits under Article 368. The appeal shall not stay the investigation.

(14) In conducting review under paragraph (13), the court shall not invalidate lawfully performed measures solely because of delay or terminate the criminal proceedings on that ground. Where delay is unjustified, it shall set a specific time limit under Article 369 and monitor compliance with it.”

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§ 31. Article 239 is amended and supplemented as follows:

1. In paragraph (6), the words “under the procedure in paragraph (3)” are replaced with “under the procedure in paragraph (4)”.

2. Paragraphs (7) and (8) are inserted:

“(7) At the time of initial sealing, a certified working copy shall be created with its identity to the original verified. A copy shall be provided to the person questioned and that person's attorney upon request within three days. Article 227a shall apply to access by the accused and defense counsel to recordings of other persons. Unsealing the original shall not be necessary to play a working copy whose identity has been verified.

(8) Recordings shall be retained for the case-file retention period with protection against alteration, loss, and unauthorized access. Provision of a copy shall not confer a right to public dissemination. The costs of mandatory recording, storage, and provision of copies shall not be charged to the accused.”

§ 32. Article 240 is amended to read:

“Video recording with sound

Article 240. (1) Articles 237-239 shall apply accordingly to the making of a video recording with sound.

(2) In pretrial proceedings, a video recording with sound shall be mandatory when questioning an accused, a person deprived of liberty, a minor or juvenile witness, or a witness with specific protection needs. This rule shall also apply to questioning before a judge under Articles 222 and 223. The obligation shall also apply to the taking of information under Article 15a, including before pretrial proceedings are instituted.

(3) The recording shall cover the explanation of rights, all questions and answers, and the beginning and end of interruptions. The reason and time shall be stated before an interruption and after resumption. Repetition of questioning already conducted solely to create a recording shall not be permitted.

(4) In the event of a sudden technical malfunction, questioning shall cease. It may continue without recording only if postponement creates an imminent danger to life or of irreversible loss of material evidence, and if an attorney for the person questioned is present. The reasons and measures taken to restore recording shall be documented in detail in the record. Failure to provide equipment in advance shall not constitute a technical malfunction.

(5) For a witness whose identity is secret or a protected person, the recording shall be made and stored in compliance with the protection measures. The copy provided to the parties shall not reveal the protected identity, while preserving the possibility of an effective challenge to the testimony.

(6) In the event of a dispute concerning the accuracy of the written record, the recording shall be examined. The objection and the ruling shall be appended to the record. Absence of a mandatory recording outside the case under paragraph (4) shall be assessed under Articles 105 and 107a.”

§ 33. Article 243 is amended and supplemented as follows:

1. In paragraph (10), first sentence, the words “subject to paragraphs (19) and (20)” are added at the end.

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2. In paragraph (11):

а) in the first sentence, the words “The Prosecutor General may set aside the decree terminating the criminal proceedings even after expiry of the time limit under paragraph (10), where:” are replaced with “After expiry of the time limit under paragraph (10), the Prosecutor General may request that the relevant court of first instance set aside the decree terminating the criminal proceedings under the conditions in paragraphs (19)-(23), where:”;

б) in the sentence following item 7, the words “under items 3, 4, and 5” are replaced with “under items 3 and 4”, and the following second sentence is added: “The circumstances under item 5 shall be established through investigation.”

3. Paragraphs (15)-(18) are inserted:

“(15) Before terminating proceedings under paragraph (1), item 2, the prosecutor shall verify compliance with Article 107(6) and (7) and examine all relevant evidentiary requests made in due time. The prosecutor shall explain why a measure not performed is inadmissible, irrelevant, unnecessary, or objectively impossible. This obligation shall not permit continuation of prosecution solely to search for unspecified evidence against the accused.

(16) The copy under paragraph (4) shall be provided together with an up-to-date inventory of the materials. Article 213(11) shall apply accordingly to access by the persons under paragraph (4), challenges to refusal or failure to provide access, and non-expiry of the appeal period under paragraph (4). The court under paragraph (4) shall have jurisdiction to examine a challenge concerning access.

(17) The court shall also examine compliance with Article 199(3) and (4) and paragraph (15) of this Article. A material omission in the investigation that prevents a substantiated ruling shall be specifically identified in the order setting aside the decree. The court shall not order that a particular person be formally charged as an accused or that an indictment be filed.

(18) In the event of a further termination after the court has set aside an earlier termination, Article 213г(1) and (3)-(5) shall apply. Judicial directions may not infringe the presumption of innocence or the prohibition on repeated prosecution.”

4. Paragraphs (19)-(23) are inserted:

“(19) Where the decree contains a ruling on the merits concerning the criminal liability of a particular person and has become final after exhaustion of ordinary appeal remedies or expiry of the time limits for them, setting it aside under paragraph (10) or (11) to that person's detriment shall be permitted only on the basis of new or newly discovered circumstances or a fundamental defect in the previous proceedings capable of affecting their outcome. A fundamental defect within the meaning of the first sentence shall be a serious breach of procedural rules affecting fundamental safeguards for the lawfulness and fairness of those proceedings. A different assessment of previously known facts and evidence or a different interpretation of the law shall not in itself constitute such a ground. The possibility of setting the decree aside of the authority's own motion under paragraphs (10) and (11) shall not postpone its becoming final under this paragraph.

(20) In the cases under paragraph (19), setting aside under paragraph (10) shall be ordered by the relevant court of first instance upon a reasoned request by a prosecutor from the higher-level prosecution office. Setting aside under this paragraph shall be ordered within the time limit under paragraph (10); filing the request shall neither suspend nor extend that time limit. The procedure under paragraph (21), second and third sentences, and paragraph (22) shall apply. Outside the cases under paragraph (19), the power to set aside of the authority's own motion under paragraph (10) shall be preserved.

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(21) A request under paragraph (11) shall be filed within six months after learning of the circumstance on which it is based; where the ground is established by a final judicial act, the period shall run from that act becoming final. The request shall identify the specific ground, information demonstrating compliance with the time limit, the effect of the defect or new circumstance on the outcome of the case, and the reasons it was not considered earlier. The court shall verify of its own motion compliance with the prohibition on repeated prosecution and the limitation period.

(22) The court shall send a copy of the request to the person in respect of whom the proceedings were terminated, that person's defense counsel, the victim or the victim's heirs, and the injured legal entity. The person in respect of whom the proceedings were terminated shall be entitled to participate regardless of whether that person was formally charged as an accused. Those persons shall be given access to the materials and seven days to submit their views. A single judge of the court of first instance shall examine the request in an open hearing with a prosecutor participating and the specified persons summoned and, within one month after receipt of the request and case file, shall issue a reasoned order dismissing the request or setting aside the decree and returning the case to the prosecutor. The order shall be subject to appeal and prosecutorial protest before the relevant appellate court within seven days after notification. A copy of the appeal or protest shall be sent to the other participants, who may submit a written objection within seven days after receipt. The appellate court shall hear the case as a panel of three judges in a closed session or, where hearing the participants is necessary, in an open hearing with those persons summoned, and shall issue a final order within one month after receipt of the case. Until the order setting aside the decree becomes final, the terminated proceedings shall not be resumed, and no measures of procedural coercion against the person may be imposed in them. The new period under paragraph (12) shall begin when the order setting aside the decree becomes final.

(23) Where the decree terminating proceedings has been upheld or varied by a final judicial act, the termination shall be set aside only under the procedure in Chapter Thirty-Three. Paragraphs (19)-(22) shall not displace the exceptions under paragraphs (13) and (14) or permit resumption of prosecution barred by limitation.”

§ 34. Paragraph (8) is inserted in Article 243a:

“(8) Article 243(15)-(18) shall apply accordingly, with the rights of the persons under Article 243(4) exercised by the persons under paragraph (2), item 2. The court shall provide those persons access to the materials and set a period for submitting their views of no less than three days after access has been provided and they have been notified of the period. The court shall not rule before the period for submitting views expires; the time limit under paragraph (3) shall be extended only to the extent necessary to comply with this safeguard.”

§ 35. Article 243б is inserted:

“Judicial review of the court's own motion upon termination of proceedings for an offense against justice

Article 243б. (1) Upon termination of criminal proceedings for an offense under Articles 288-289 of the Criminal Code committed by a judge, lay judge, prosecutor, or investigating authority in connection with the exercise of that person's functions, Article 243a(2)-(8) shall apply. Article 243(4) shall not apply in those cases. Review shall take place irrespective of the existence of a victim or injured legal entity and shall not be conditional on an appeal being filed.

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(2) Paragraph (1) shall also apply where those circumstances were the subject of the investigation, regardless of the legal classification ultimately adopted and whether a particular person has been formally charged as an accused.

(3) The prosecutor shall notify the person who reported the offense that the decree and case file have been sent to the court. If they are not sent within the time limit under Article 243a(2), that person may notify the court, which shall request the decree and case file of its own motion. Notification shall not confer party status on the submitter or access to protected data beyond what is provided by law.

(4) The special procedure under Chapter Thirty-One ‘a’ shall apply to offenses committed by the Prosecutor General or a deputy. In cases within the competence of the European Public Prosecutor's Office, judicial review shall be exercised in compliance with Article 42 of Regulation (EU) 2017/1939. This Article shall not alter the competence of the investigating authorities or the Commission for Counteracting Corruption.”

§ 36. Paragraphs (9)-(11) are inserted in Article 244:

“(9) The decree suspending proceedings shall identify the specific factual obstacle, the information establishing it, the measures taken to overcome it, and the measures that may lawfully continue. Before suspension, feasible urgent measures to preserve evidence shall be taken. Failure to identify the perpetrator shall not in itself justify suspension where specific, available, and relevant investigative measures for identifying the perpetrator remain unperformed.

(10) Article 243(16) shall apply accordingly to access to materials by the persons under paragraph (3) and the appeal period. When setting aside the decree, the court shall specifically identify the unlawfulness or lack of substantiation established. In the event of repeated suspension after the court has set aside an earlier suspension, Article 213г(1) and (3)-(5) shall apply.

(11) The lawfulness of the initial suspension shall not relieve the prosecutor of the reviews under Article 245a.”

§ 37. Paragraph (6) is inserted in Article 244a:

“(6) Article 244(9)-(11) and Article 245a shall apply accordingly, with the rights of the persons under Article 244(3) exercised by the persons under paragraph (2), item 2. The court shall provide those persons access to the materials and set a period for submitting their views of no less than three days after access has been provided and they have been notified of the period. The court shall not rule before the period for submitting views expires; the time limit under paragraph (3) shall be extended only to the extent necessary to comply with this safeguard.”

§ 38. Article 244б is inserted:

“Judicial review of the court's own motion upon suspension of proceedings for an offense against justice

Article 244б. (1) Upon suspension of criminal proceedings in the cases under Article 243б(1) and (2), Article 244a(2)-(6) shall apply. Article 244(3) shall not apply in those cases. Review shall take place irrespective of whether an appeal has been filed.

(2) Article 243б(3) and (4) and Article 245a shall also apply.”

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§ 39. Article 245a is inserted:

“Periodic review of suspended proceedings

Article 245a. (1) No later than three months after suspension and every three months thereafter, the prosecutor shall examine whether the grounds continue to exist and whether resumption under Article 245(2) is necessary. The review shall cover the results of searches, newly received materials, and the risk of losing evidence or expiry of the limitation period.

(2) Where the grounds have ceased to exist or further investigative measures are necessary, the proceedings shall be resumed immediately. In all other cases, the prosecutor shall issue a reasoned refusal to resume proceedings containing the results of the review, which shall be communicated to the persons under Article 244(3).

(3) The persons under Article 244(3) may request resumption even before the time limit under paragraph (1), identifying new specific circumstances or a need for particular measures. The prosecutor shall rule within fourteen days. A repeated request without new circumstances shall not give rise to a new time limit for a ruling before the next periodic review.

(4) A refusal under paragraph (2) or (3) may be appealed within seven days after receipt before the relevant court of first instance. After the time limits under paragraph (1) or paragraph (3) expire without a ruling, the same persons may apply directly to the court. Article 243(16) shall apply accordingly to access to materials and the appeal period. The court shall immediately request the case file, which the prosecutor shall provide within three days after the request. The prosecutor and the other known persons under Article 244(3) shall be given an opportunity to submit their views within a period of no less than three days after access to the materials has been provided and notification of the period has been given. A single judge shall rule in a closed session within fourteen days after receipt of the case file, examining whether the grounds continue to exist and whether investigative measures are necessary. The court shall not rule before the period for submitting views expires; the time limit for ruling shall be extended only to the extent necessary to comply with this safeguard. Where the challenge is well-founded, the court shall set aside the refusal and order resumption; where no ruling has been made, it shall set a time limit of up to seven days for an act to be issued. The order shall be final.

(5) In proceedings under Articles 244a and 244б, the refusal under paragraph (2) shall be sent of the prosecutor's own motion to the relevant court of first instance, and in proceedings under Article 411д, to the Sofia City Court, within three days for review under paragraph (4). The court that conducted the review of its own motion of the suspension or its continuation shall specify in its act the date of the next review in accordance with the time limits under paragraph (1) and shall request the case file and the prosecutor's decree of its own motion before those limits expire. Failure by the prosecutor to rule or to send the decree shall not relieve the court of its review, which shall be conducted within fourteen days after expiry of the applicable time limit under paragraph (1). In the absence of a prosecutorial act, the court shall independently examine whether grounds for suspension exist and whether investigative measures are necessary, and shall uphold the continued suspension or set it aside and order resumption. The safeguards concerning access, submissions of views, and a reasoned ruling under paragraph (4) shall apply. This procedure shall not restrict the right of appeal.

(6) Reviews shall not extend suspension periods where the law establishes a maximum period and shall not suspend or interrupt limitation periods except on the grounds under the Criminal Code. Resumption shall not mean that the charge is prejudged.”

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§ 40. The following second sentence is added to Article 246(4): “The current inventory under Article 107(7), the acts restricting access, and a statement of the materials provided to the defense shall also be appended.”

§ 41. In Article 248:

1. Items 10 and 11 are inserted in paragraph (1):

“10. compliance with the obligations concerning access to materials and the time necessary to prepare the defense;

11. the schedule of court hearings, the deadlines for submission of expert reports, and the measures necessary to preserve evidence at risk.”

2. The following second and third sentences are added to paragraph (3): “The restriction shall not apply where the ground arose or became known later, including because material was provided late. It shall also not apply to objections under Articles 105 and 107a.”

3. The following second sentence is added to paragraph (4): “The prohibition shall not prevent a ruling under Article 107a where the issue can be resolved without assessing whether the charge is proven, or the measures under paragraph (1), items 10 and 11.”

4. Paragraph (7) is inserted:

“(7) The time limits and schedule set shall be varied where objectively necessary after hearing the parties. Failure to meet a time limit shall not result in preclusion of an evidentiary request or objection. When adjourning, the court shall identify the specific reason and the measures necessary to address it.”

§ 42. Paragraph (5) is inserted in Article 270:

“(5) Until the judgment becomes final, the court before which the case is pending shall review of its own motion the necessity of detention in custody or house arrest no later than sixty days after the last judicial review on the merits. The review shall be conducted under the procedure in paragraphs (2) and (4), in compliance with Article 63(13), and irrespective of whether a request under paragraph (1) has been filed. When the case file is sent to another instance, the date of the last review shall be stated in the covering letter.”

§ 43. Article 305 is amended and supplemented as follows:

1. The following third, fourth, and fifth sentences are added to paragraph (3): “The court shall examine the material arguments of the prosecution and defense, the evidence supporting the charge and favoring the defendant, and contradictions relevant to the outcome of the case. It shall provide separate reasoning on specific objections concerning the admissibility, authenticity, and reliability of the means of proof and material methodological objections to expert reports. Listing or reproducing evidentiary materials without assessing their significance for the circumstances established shall not satisfy the requirement to give reasons.”

2. Paragraphs (7) and (8) are inserted:

“(7) When entering a conviction, the court shall identify the evidence concerning each contested material element of the charge and the reasons why objections to it supported by the evidence do not raise doubt within the meaning of Article 303(2). When entering an acquittal, the court shall identify which circumstances of the charge have not been established or why

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the act established does not constitute an offense, and shall examine the material arguments supporting the charge. Neither proof of innocence by the defendant nor establishment by the court of a different perpetrator or a different manner in which the act occurred shall be required as a condition of acquittal.

(8) When determining the penalty, the court shall separately examine the mitigating and aggravating circumstances established, their relative weight, and the specific grounds for the type and extent of the penalty and for the rules applied to reduce or increase it or exempt the person from serving it. Circumstances included in the constituent elements of the offense shall not be counted again as an independent ground for a more severe penalty.”

§ 44. Article 311 is amended and supplemented as follows:

1. Paragraph (3) is amended to read:

“(3) A continuous audio recording shall be made of every court hearing from its opening to its closing, excluding recesses and confidential deliberations. The court may also order video recording. The presiding judge shall inform those present of the recording when opening the hearing. The rules concerning witness protection, classified information, and hearings in camera shall apply.”

2. Paragraphs (4)-(6) are inserted:

“(4) The recording shall be included in the case file and retained for its retention period. The beginning, end, interruptions, and technical malfunctions shall be entered in the written record. Protection against deletion or substitution, a backup copy, and accountability for access and copying shall be ensured. The rules in Article 110a shall apply accordingly.

(5) In the event of an unforeseen technical breakdown or another objective obstacle arising suddenly, recording shall be restored immediately; where this is impossible, only measures that cannot be postponed for the purpose of preserving evidence or protecting a participant's life, health, or personal liberty shall be performed without recording. The court shall identify in the record the specific obstacle, the time it arose, the measures taken to remedy it, and the grounds for urgency. Failure to provide or maintain equipment in advance shall not constitute grounds for conducting ordinary court hearings without recording. In such cases, explanations, testimony, experts' answers, requests, objections, and rulings shall be entered in detail in the written record. Technical impossibility shall not relieve the court of its obligation to ensure recording at the next hearing.

(6) The parties, defense counsel, and attorneys representing other parties shall be provided access to the recording and an opportunity to obtain a copy no later than three days after the hearing. Where the law restricts provision of a copy, an opportunity to listen to or view the recording at the court shall be provided subject to the relevant protective measures. The recording shall serve to verify the accuracy and completeness of the written record and compliance with procedural rules, and shall not displace the obligation to prepare a written record.”

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§ 45. Article 312 is amended and supplemented as follows:

1. Paragraph (1) is amended to read:

“(1) The parties shall be entitled to submit written requests for corrections and additions within seven days after notification that the written record has been prepared. Notification shall be sent immediately after the record has been signed. Where access to the written record or to an existing recording under Article 311 has not been provided, the period shall begin when access is provided; the date shall be certified in the case file.”

2. Paragraphs (3) and (4) are inserted:

“(3) The request shall be examined by comparison with the relevant portion of the recording, and a reasoned order shall be issued within seven days. Where no recording exists or its relevant portion cannot be used, the information specifically identified by the parties and other available sources concerning the content of the hearing shall be examined. The request may not be rejected solely because the recording is absent or damaged.

(4) The request, order, and corrected or supplemented record shall be retained in the case file together with the original record. Upon a challenge to the final judicial act, the relevant instance shall also review the ruling on the request where it is relevant to the grounds of challenge raised or to review of its own motion.”

§ 46. The following second sentence is added to Article 320(2): “The restriction shall also not apply in the cases under Article 248(3), second and third sentences.”

§ 47. Paragraphs (4) and (5) are inserted in Article 339:

“(4) Irrespective of the outcome of the appellate proceedings, the court shall give a specific response to the material arguments in the appeal, prosecutorial protest, and objections to them. The court shall independently examine the contested evaluation of evidence and allegations of inadmissibility or distortion of evidentiary materials, failure to examine relevant evidence, unlawful composition of the court or bias, and unjustified refusal to collect or examine evidence. Reference to the reasoning of the first-instance court shall not substitute for a response to specifically contested conclusions.

(5) Where it finds a violation, the court shall identify its effect on the parties' rights and the correctness of the judgment, and the reasons for the manner of remedying it. Where a new judgment is issued or the penalty is varied, Article 305(7) and (8) shall apply accordingly.”

§ 48. Paragraphs (6) and (7) are inserted in Article 348:

“(6) An absence of reasons under paragraph (3), item 2 shall also exist where the reasoning given does not permit the factual and legal grounds for the decision on a material issue to be ascertained because of internal contradictions, absence of an independent analysis of evidence, or failure to examine decisive evidence or arguments. An omission that does not prevent review of those grounds shall be assessed under paragraph (3), item 1, and shall not in itself be equated with an absence of reasons.

(7) Where a ground of challenge alleges distortion of the content of evidentiary material or failure to examine decisive evidence, the court conducting cassation review shall examine compliance with the rules for forming inner conviction on the basis of the case materials. This review shall not include independently establishing new factual findings or replacing

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a lawful evaluation of evidence with a different evaluation, except where the court exercises the powers under Article 354(5), second sentence."

§ 49. The following second sentence is added to Article 351(2): "The restriction shall also not apply in the cases under Article 248(3), second and third sentences."

§ 50. The following second sentence is added to Article 360(2): "The restriction shall also not apply in the cases under Article 248(3), second and third sentences."

§ 51. In Article 368:

1. In paragraph (1), the words "two years" are replaced with "one year".

2. In paragraph (2):

a) in the first sentence, the words "if more than one year has elapsed" are replaced with "if more than six months have elapsed";

б) the second sentence is amended to read: "Where a time limit has been set under Article 369(2), a new request may be made after it expires and, in all other cases, after six months have elapsed from the court's ruling."

3. The following second and third sentences are added to paragraph (3): "The request may also be filed directly with the relevant court of first instance. The prosecutor shall send the requested case file within three days, without suspending the performance of urgent measures for which a certified copy may be used."

4. Paragraph (5) is inserted:

"(5) Where the accused is detained in custody or under house arrest, a request under paragraph (1) may be made after three months have elapsed from the actual restriction of liberty. The court under paragraph (4) shall be the relevant court of first instance."

5. Paragraph (6) is inserted:

"(6) A new request where a time limit set by the court under Article 369 has not been complied with may be made immediately after it expires. Article 245a shall apply to review of continued suspension."

§ 52. Paragraphs (4)-(6) are inserted in Article 369:

"(4) The order under paragraph (2) shall specifically identify the unjustified delay and the measures necessary to address it, without prejudging their evidentiary significance, formally charging a person as an accused, or the final act in the case. A copy shall be provided to the applicant and the authority required to comply with it.

(5) Within three days after expiry of the time limit set, the authority shall submit to the court and the applicant an account of the measures performed and the reasons for any failure to comply. The court shall review compliance of its own motion within seven days after receipt of the account or expiry of the time limit for submitting it. In the event of noncompliance, it shall set a new appropriate time limit and, where information indicates unjustified inaction, send the materials to the competent administrative head and the Inspectorate to the Supreme Judicial Council for examination within their powers. Failure to submit the account or case file shall not prevent a ruling on the circumstances that can be established. The order shall not in itself establish a disciplinary violation or criminal liability.

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(6) Failure to comply with the time limit shall not result in automatic termination of the criminal proceedings or relieve the authority of its obligation to rule. The review shall also take account of delays before the most recent suspension, resumption, return, or reassignment of the case.”

§ 53. The following second, third, and fourth sentences are added to Article 382(7): “The court shall verify whether the admission is supported by the admissible case materials, whether the accused has received actual assistance from defense counsel and sufficient access to the materials, and whether the accused's consent is free and informed. The order shall state reasons concerning the proportionality of the agreed penalty and the application of Article 55 of the Criminal Code, where applied, taking account of Article 381(4). Agreement between the prosecutor and defense counsel alone shall not be sufficient grounds for approval.”

§ 54. Article 388a is amended to read:

“Questioning a juvenile accused with video recording with sound

Article 388a. In pretrial proceedings, every questioning of a juvenile accused shall be recorded by video with sound under the procedure in Articles 237-240. The presence of the persons under Article 388(1) and (2) shall not relieve the authority of this obligation.”

§ 55. Article 411a is supplemented as follows:

1. The following second and third sentences are added to paragraph (1): “The authority receiving the report shall send it and the available relevant materials to the head of the Criminal Division of the Supreme Court of Cassation immediately, but no later than three days after receipt. Conduct of a preliminary check by another authority shall not constitute grounds for delaying transmission and shall not prevent the urgent measures under Article 212(2).”

2. The following second and third sentences are added to paragraph (2): “Referral shall be effected by a reasoned act, which shall also be sent to the submitter. It shall not constitute a refusal to institute pretrial proceedings and shall not exclude review under Article 213 of the decree by which the prosecutor rules on the report.”

3. Paragraph (7) is inserted:

“(7) All materials received and their subsequent movement shall be registered with the date, time, sender, and recipient. Protection of the submitter's identity shall be preserved where provided by law. Access to the content shall be given only to authorities and persons entitled to it; the Prosecutor General, deputies, and administrative heads shall not receive access solely by virtue of their office.”

§ 56. Paragraph (6) is inserted in Article 411б:

“(6) Article 199(3)-(5), Article 213(11), and Article 213г(1), (3), first sentence, and (5) shall apply accordingly to the giving of reasons, access to materials, calculation of the appeal period where access has been requested, and compliance with judicial directions. A repeated refusal shall be appealed under the procedure and within the time limits in paragraphs (1)-(4). The Sofia City Court shall have jurisdiction over disputes concerning access. Application of these provisions shall not alter the special procedure for designation, recusal, and supervision of the prosecutor under this Chapter.”

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§ 57. Paragraph (10) is inserted in Article 411г:

“(10) In proceedings under this Chapter, the power of the administrative head or a prosecutor authorized by that head under Article 234(3) shall be exercised solely by the prosecutor exercising supervision under paragraph (1). Article 234(4), (6), and (12)-(14) shall apply. The judicial review of measures of procedural coercion and delay provided by law shall be preserved.”

§ 58. In Article 419(1), second sentence, the words “including in conjunction with Article 243б” are added after “Article 243a(4), items 1 and 2”.

§ 59. Paragraphs (5) and (6) are inserted in Article 420:

“(5) The convicted person, a person exempted from criminal liability with the imposition of an administrative penalty under Article 78a of the Criminal Code, the victim, the victim's heirs, and the injured legal entity may independently request reopening on the grounds under Article 422(1), items 1 and 2 where the relevant circumstances have been established by a final judgment. A copy of the judgment shall be appended to the request, or the information necessary for it to be obtained by the authority of its own motion shall be provided. The request shall identify the connection between the established circumstance and the act whose setting aside is sought, and its significance for the outcome of the case. Article 421(1) and Article 422(3) shall apply. Where, at the request of the victim, the victim's heirs, or the injured legal entity, the court permits reopening to the person's detriment, upon reexamination the request shall have the effect of an appeal by a private accuser under Article 355(2) and (3) only to the extent that it has been granted.

(6) After completion of the examination under Article 420a, the convicted person or the person exempted from criminal liability under Article 78a of the Criminal Code may independently request reopening on a ground under Article 422(1), items 1-3 in that person's favor on the basis of the examination's findings. The results of the examination shall be appended to the request, or the file shall be identified so that they can be obtained by the authority of its own motion. The requirements of Article 422(1) and (2) shall be preserved.”

§ 60. Article 420a is inserted:

“Examination of grounds for reopening in favor of the convicted person

Article 420a. (1) The convicted person, a person exempted from criminal liability with the imposition of an administrative penalty under Article 78a of the Criminal Code, or that person's defense counsel may request that the prosecutor under Article 420(1) perform specific measures to examine grounds under Article 422(1), items 1-3 in the person's favor.

(2) The request shall identify the circumstance to be examined, its significance for the correctness of the final act, the source of information, and the measures requested. The person shall not be required to have previously obtained evidence to which the person has no lawful access or whose collection falls within the competence of a state authority.

(3) The prosecutor shall rule by a reasoned decree within one month after receipt of the request. Refusal shall be permissible where the requested measure is prohibited by law, objectively impossible to perform, irrelevant to the ground identified, or has already been performed and no new relevant circumstances have been presented. A different assessment of evidence already examined shall not alone justify a new examination. The decree shall be communicated immediately to the submitter and defense counsel.

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(4) If the request is granted, the prosecutor shall determine the measures, the competent authority, and a time limit for their performance of no more than three months. The time limit may be extended by the higher-level prosecutor by no more than three months for each extension, on the basis of specifically identified objective obstacles and remaining measures. The decree for each extension shall be communicated immediately to the submitter and defense counsel, with instructions concerning the time limit and procedure for appeal. The investigation rules of this Code and safeguards for the rights of affected persons shall apply to the collection and examination of evidence. Where there is information indicating an offense, Articles 207-213 shall also apply. After completion, the prosecutor shall give the submitter and defense counsel access to the relevant materials subject to statutory restrictions and shall decide within one month whether to request reopening.

(5) The refusal under paragraph (3) and each decree extending the time limit under paragraph (4) may be appealed within fourteen days after notification before the court competent under Article 424. An appeal against extension of the time limit shall not stay the examination. After a time limit for ruling or conducting the examination expires without the corresponding act, the submitter may apply to the same court concerning the inaction. The appeal may be filed directly with the court, which shall request the materials; the prosecutor shall send them within three days.

(6) The court shall examine the appeal in a closed session within fourteen days after receipt of the materials, but no later than one month after the application or, where necessary, in an open hearing with the submitter, defense counsel, and prosecutor summoned, within the same period. Failure to submit the materials shall not prevent a ruling on inaction. By a reasoned final order, the court shall uphold the decree appealed against or set it aside and return the file with binding directions concerning the violation committed and the examination required. When setting aside an extension, the court shall set an appropriate time limit for completing the examination. In the event of inaction, the court shall set an appropriate time limit for ruling or performing the specific measures. The directions may not prejudge any person's guilt.

(7) Members of the panel that issued an order under paragraph (6) shall not participate in subsequent consideration of a request for reopening on the same ground.

(8) This Article shall not suspend or extend time limits for appeals or requests for reopening and shall not stay enforcement of the final act. Where there is an imminent risk of losing an identified source of evidence, the prosecutor shall immediately take the measures permitted by law to preserve it.

(9) In cases within the competence of the European Public Prosecutor's Office, prosecutorial powers under this Article shall be exercised by the competent body of the European Public Prosecutor's Office in accordance with Regulation (EU) 2017/1939.”

§ 61. Paragraph (5) is inserted in Article 421:

“(5) A request under Article 420(5) and (6) in favor of a convicted person or a person exempted from criminal liability under Article 78a of the Criminal Code shall not be subject to a time limit. Paragraph (1) shall apply in all other cases.”

§ 62. Paragraph (3) is inserted in Article 422:

“(3) Reopening to the detriment of a person in respect of whom proceedings have concluded by a final judicial act shall be permitted only on a ground under paragraph (1) consisting of new or

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newly discovered circumstances or a fundamental defect in the previous proceedings affecting their fairness and capable of influencing the outcome of the case. The court shall give separate reasons concerning the existence of those requirements. A different assessment of previously known evidence or mere disagreement with the legal conclusions of the final act shall not constitute such a defect. This paragraph shall not establish an independent ground for reopening or extend the time limit under Article 421(1).”

TRANSITIONAL AND FINAL PROVISIONS

§ 63. The Judicial System Act (promulgated, State Gazette, No. 64 of 2007; amended and supplemented, Nos. 69 and 109 of 2008, Nos. 25, 33, 42, 102, and 103 of 2009, No. 59 of 2010, Nos. 1, 23, 32, 45, 81, 82, and 93 of 2011, Nos. 20, 50, and 81 of 2012, Nos. 15, 17, 30, 52, 66, 70, and 71 of 2013, Nos. 19, 21, 53, 98, and 107 of 2014, No. 14 of 2015, Nos. 28, 39, 50, 62, and 76 of 2016, Nos. 13, 14, 63, 65, 85, 90, and 103 of 2017, Nos. 7, 15, 49, and 77 of 2018, Nos. 17, 19, 29, 64, and 83 of 2019, Nos. 11, 86, 103, 109, and 110 of 2020, Nos. 16, 41, 43, and 80 of 2021, Nos. 15, 24, 32, 56, and 62 of 2022, Nos. 11, 48, 66, 69, 84, 86, and 108 of 2023, Nos. 18 and 67 of 2024, Nos. 6, 63, 65, and 87 of 2025, Nos. 16, 17, 51, 55, 60, and 69 of 2026) is supplemented as follows:

1. Paragraphs (5) and (6) are inserted in Article 9:

“(5) In criminal proceedings and files concerning reports of offenses, the record of initial assignment and every subsequent assignment shall be included in the materials, stating the date, time, version of the assignment rules applied, composition of the pool at the time of selection, persons included in the selection, and grounds for excluding a person from selection. In the event of reassignment, the reasoned act stating the reason for the change shall also be included. The assignment history shall be preserved for the retention period of the case or file.

(6) Persons entitled to access the case or file shall also have access to the documents under paragraph (5). Protected personal data shall be redacted without preventing verification that the competent magistrate was lawfully designated.”

2. The following third sentence is added to Article 145(2): “Where the preliminary check concerns a report of an offense, Articles 212a and 213в of the Criminal Procedure Code shall also apply.”

§ 64. (1) This Law shall apply to procedural measures performed after its entry into force, including in proceedings that have not concluded. The new technical requirements shall not constitute an independent ground for inadmissibility of materials lawfully collected before that date.

(2) In pending proceedings, the inventory under Article 107(7) shall be prepared within two months. This shall not postpone provision of access to available materials necessary to prepare the defense or challenge detention.

(3) The first periodic review under Article 65a and Article 270(5) shall be conducted within thirty days after this Law enters into force; a judicial review on the merits conducted before expiry of that period shall substitute for the first periodic review. In pretrial proceedings, the prosecutor shall send the case file to the court no later than the twentieth day.

(4) For proceedings suspended when this Law enters into force, the first review under Article 245a shall be conducted within three months after that date. In cases of judicial review of the court's own motion, the prosecutor shall notify the competent court of the pending suspended proceedings within one month after entry into force, and the court shall schedule the first review within the three-month period. This shall not postpone immediate

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resumption where the grounds have ceased to exist or consideration of a request for resumption that has been filed.

(5) In files concerning reports of offenses pending when this Law enters into force in which no ruling under Article 207 or 213 has been made, the prosecutor shall rule within one month after that date. Article 213в shall apply after that period. This shall not postpone institution of proceedings where the conditions under Article 207(1) are met.

§ 65. (1) Article 420(5) and (6), Article 421(5), and Article 422(3) shall also apply to final judicial acts, without restoring expired time limits for reopening to the detriment of the person in respect of whom the proceedings have concluded.

(2) Article 311(3)-(6) shall apply to court hearings held after those provisions enter into force. The Supreme Judicial Council shall organize the technical arrangements, secure storage, and access to recordings within its competence. The rules for correction of written records shall apply to records prepared after those rules enter into force.

§ 66. Within six months after promulgation, the Minister of Justice, in coordination with the Minister of Interior and the Supreme Judicial Council, shall issue a regulation on the technical requirements for recordings, verification that digital copies are identical to the originals, and protection and storage of copies and logs under this Law. The regulation may not establish additional grounds for restricting procedural rights or exceptions to mandatory recording.

§ 67. This Law shall enter into force six months after its promulgation in the State Gazette, except for § 66, which shall enter into force on the date of promulgation.

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EXPLANATORY MEMORANDUM

to the draft Law Amending and Supplementing the Criminal Procedure Code

1. Reasons necessitating adoption

The draft was prepared on the basis of the legal framework as of September 25, 2026, including the consolidated Criminal Procedure Code with amendments through State Gazette No. 59 of 2026 and the relevant provisions of the Judicial System Act. It proposes interrelated safeguards for the lawful commencement, conduct, and conclusion of criminal proceedings, effective protection against procedural inaction, and the verifiability of proof and judicial decision-making.

Current law establishes the objective, comprehensive, and complete examination of circumstances, inner conviction, the presumption of innocence, the right of defense, and the obligation to give reasons. Prosecutorial and judicial review of refusals, termination, and suspension already exists, as do the special mechanisms under Articles 213б, 243a, and 244a. The draft builds upon those safeguards through broader access to a court, specific time limits, access to materials, and verification of compliance with judicial directions.

Judicial review of the general procedure for refusal to institute proceedings under Article 213(4) is limited to a defined range of offenses. Preliminary checks, referral of files, and failure to rule may delay access to that review. It is necessary to distinguish between the standards of sufficient information to institute proceedings, sufficient evidence to formally charge a person as an accused, and the degree of proof necessary for conviction. Failure to examine an available source of information must not become a ground for refusal in its own right.

A lawful suspension does not relieve authorities of monitoring the grounds, search activity, and the risk of losing evidence. Repeatedly issuing an act that has been set aside without complying with binding directions renders judicial protection ineffective in practice. At the same time, indefinite renewal of prosecution that has already concluded merely because of a different inner conviction is incompatible with legal certainty. The draft addresses these problems together.

Arbitrariness in the treatment of evidence may manifest itself in the exclusion of or failure to examine material evidence, premature rejection of a source not yet examined, unjustified refusal of an expert examination, inaccurate recordkeeping, and merely apparent reasoning. Protection is needed both against wrongful conviction and against unlawful obstruction of criminal liability. The outcome of a case does not in itself prove abuse; the decisive factors are ascertainable violations and their significance for the fairness and correctness of the proceedings.

The need for consistent safeguards is supported by supervision by the Committee of Ministers of the Council of Europe in the S.Z. and Kolevi groups of cases. The decision of December 4, 2025, adopted at the 1545th Human Rights meeting, addresses the effectiveness of investigations and the practical independence of the mechanism for investigating the Prosecutor General. Those findings justify institutional measures but do not establish the guilt of any particular magistrate. The draft takes account of the subsequent amendments of June 2026 and supplements the current framework where registration, access, time limits, or execution of judicial acts requires an express safeguard.

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2. Objectives

The principal objective is for every material decision to have an ascertainable factual and legal basis, to be issued within a specified period by an impartial competent authority, and to be subject to appropriate review. This is achieved through the following interrelated solutions.

Early assistance from defense counsel. The right to assistance from an attorney during preliminary checks is already recognized in Article 145(6) of the Judicial System Act (JSA). The new Article 15a of the Criminal Procedure Code (CPC) links additional safeguards to actual suspicion of involvement in an offense: notification, silence, confidential consultation, interpretation, and cessation of questioning as a witness concerning the person's own involvement. It identifies the authority responsible for granting legal aid, the appointment of an attorney, and budgetary funding. Judicial protection covers refusal and inaction. No new ground for detention is created, and formally charging a person as an accused is not replaced.

Registration and ruling. The new Article 212a requires immediate registration and timely transmission of a report to a prosecutor, including when initially received by an authority of the Ministry of Interior. A verifiable starting point and deadline for ruling on a report of an offense are established. The period does not restart upon referral, joinder, severance, or renumbering concerning the same facts. Coordination with Article 145 JSA prevents competing regimes. The existence of sufficient information requires timely institution of proceedings regardless of a pending administrative, disciplinary, or other examination. The civil-law nature of the relationships does not in itself exclude an offense.

Review of refusals. General judicial review is extended to refusals concerning publicly prosecutable offenses, including where the dispute concerns the prosecutor's legal classification of what has been reported. A time limit for a higher-level ruling, direct access to a court if it is missed, and equal review of acts definitively concluding a preliminary check regardless of their designation are provided. Access includes an up-to-date inventory and copies, while restrictions must be reasoned and reviewable. The appeal period takes account of the access actually provided. An appellant is not required to challenge an act without an opportunity to inspect its factual basis.

The constitutional permissibility of judicial review of a refusal was confirmed by Decision No. 14 of July 26, 2024, in Constitutional Case No. 10/2023. The Constitutional Court rejected the challenge to Article 213(4)-(6) CPC and distinguished the decision to commence an investigation from the constitutional function of bringing persons to account and maintaining the prosecution. The proposed expansion preserves that boundary: the court reviews lawfulness and substantiation, while the prosecutor issues the required procedural act. Removing the restricted catalog reduces the dependence of access to a court on the prosecutor's preliminary classification of the reported facts; it is a legislative choice for more comprehensive protection, not a claim that the existing catalog has been declared unconstitutional.

Protection against inaction. The new Article 213в permits a direct application to the court to set a time limit for a ruling. The court reviews compliance with the statutory obligation without ordering a particular refusal, charge, or outcome. Expiry of the time limit does not mean automatic institution of proceedings or automatic refusal. In the event of noncompliance, repeated review, accountability, and referral to the competent authorities within their statutory powers are provided. Registration establishes the starting point of the time limit, access permits a substantive

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challenge, reasons make the decision reviewable, and the subsequent account allows compliance with the judicial order to be established. Introducing only one of these measures in isolation would leave the other possibilities for effectively blocking protection intact.

Specific reasons and compliance with directions. Article 199 is supplemented with requirements to analyze the facts, materials, material contradictions, and arguments. Insignificance is distinguished from a minor case. After a court sets aside an act, the prosecutor accounts for compliance with each binding direction. Unfulfilled directions may not be circumvented by repeating reasoning that has been set aside. Where a repeated violation is established, assignment to another prosecutor by random assignment is provided, while preserving the special regimes. This is a procedural safeguard, not a disciplinary penalty, and it does not prejudge the liability of the magistrate or the accused.

Termination and suspension. The examination of evidentiary requests before termination for lack of proof, access by entitled persons, and judicial review of material omissions are clarified. In cases of suspension, the factual obstacle, measures taken, and permissible subsequent measures are individually identified. The continued existence of the grounds is examined every three months. Refusal to resume proceedings and failure to rule are subject to judicial review. A new specific circumstance permits an earlier request. No obligation to search indefinitely for unspecified incriminating evidence is created. Monitoring of the authority's own motion is necessary because an obstacle to a particular procedural measure does not justify inaction concerning all permissible measures. The three-month review does not prejudge the disappearance of the obstacle; it requires its current existence to be established. Searches, preservation of evidence, and protection against excessive duration are combined with the prohibition on continuing an investigation solely to achieve a predetermined desired result.

Special safeguards in cases of attacks on justice. In the proceedings provided for by the draft concerning offenses under Articles 288, 288a, and 289 of the Criminal Code (CC), committed by the participants specified by law in performing their official functions, judicial review of termination and suspension of the court's own motion is introduced. Review thus does not depend entirely on the initiative or capabilities of an individual appellant. Existing special regimes are coordinated to avoid parallel and contradictory proceedings.

Stability of concluded prosecution. Prior judicial review is provided for extraordinary setting aside of a termination after expiry of the ordinary statutory time limits, as well as within the time limit under Article 243(10) where setting aside to a person's detriment is sought after a final determination on the merits concerning that person's criminal liability. The exceptional nature must be substantiated by specific circumstances, rather than a general reference to the interests of justice. The applicable prohibition on repeated prosecution is taken into account, including where proceedings were concluded on the merits by a prosecutorial act. This safeguard does not prevent investigation of a separate offense committed during the initial proceedings.

Reasonable time limits for investigation. Each extension must identify what has been done, the remaining measures, and the specific obstacles. A prolonged investigation is subject to earlier judicial review for delay; a request for acceleration may be filed directly with the court. Compliance with the time limit set is accounted for and is subject to subsequent review. Delay does not result in automatic termination or, in itself, invalidate

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lawful measures. The draft builds upon the judicial procedure under Articles 368 and 369 following the amendments of June 2026. Review of a particular extension under Article 234 is distinguished from general review for unjustified delay. For detained persons, earlier access to acceleration is justified by the continuing interference with personal liberty.

Access to and reliability of evidence. The inventory and preservation of relevant materials include materials on which the prosecution does not intend to rely. The new Article 227a creates judicially enforceable access subject to individually specified restrictions. The log of movements of objects, samples, and digital data, recording of questioning, and access to primary expert data enable verification of authenticity, integrity, and reliability. The court must specifically examine objections to expert methods and the grounds for refusing a supplementary or repeat expert examination. Video recording is coordinated with the protection of juveniles and covers the specified cases of taking information before proceedings are instituted. The cross-reference in Article 239(6) to the current sealing rule is corrected.

Admissibility and equality of arms. Use of statements obtained through torture, unlawful coercion, or the specified violations of defense rights is prohibited. This prohibition may not be circumvented through another document or questioning of the person who obtained the statement. A procedure for a reasoned judicial ruling on specific admissibility objections is established. Judicial refusal to collect evidence is linked to verifiable reasons, without prematurely denying the credibility of a source not yet collected. Traceability and access do not confer predetermined weight on evidence. A remediable omission in the log does not lead to automatic exclusion, and claimed technical accuracy does not replace judicial examination of the specific method. The admissibility ruling is separated from assessment of credibility; the absence of a separate appeal against each intermediate order limits fragmentation of the proceedings while preserving review with the final act.

Personal liberty. Periodic review every thirty days in the pretrial phase and sixty days in the court phase supplements defense initiative. The maximum periods under Article 63(4) are not increased. Repeal of Article 65(6) removes the temporary obstacle to a fresh request. The seriousness of the charge and increased penalties do not justify automatic detention. Current reasons are required concerning each risk, the inadequacy of less restrictive measures, overall duration, health, and necessary treatment. The chosen frequency is an additional national safeguard, not a time limit directly required by European Union law or the Convention. Review requested by the defense is not postponed until the next review of the court's own motion. Using judicial review on the merits already conducted as the starting point of the next period prevents unnecessary duplication.

Impartiality and recordkeeping. A contested recusal is decided by a different, randomly selected judge or panel within a short period. A procedure where such a panel cannot be formed and protection against obstruction through repeated identical requests are provided. A report filed against a judge does not automatically remove that judge. Mandatory audio recording provides a reliable basis for reviewing the hearing. The exception for a sudden technical obstacle is limited to urgent measures. The written record is preserved; corrections are checked against the recording, the time limit is linked to notification and access, and the initial version remains traceable.

Judgments and review by higher instances. The court examines the material arguments of the prosecution and defense, resolves contradictions, and substantiates its evidentiary and legal conclusions. A conviction requires the charge to be proven beyond doubt; an acquittal

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identifies the circumstances not established or the legal grounds on which the act does not constitute an offense. The defendant does not prove innocence and is not required to identify the actual perpetrator. Individualization of the penalty is separately reasoned. The appellate court conducts its own review, while cassation review covers serious defects in reasoning and procedural violations in the evaluation of evidence. Not every drafting omission amounts to an absence of reasons, and cassation review does not become a general third instance on the facts.

Reopening. Where false evidence or an offense by an authority participating in the proceedings has been established by a final judgment, affected persons are given limited direct access to a court on the existing grounds. The new Article 420a governs specific examinations of new circumstances in favor of a convicted person or a person exempted from criminal liability under Article 78a CC, with a reasoned ruling and review of refusal and inaction. After the examination, an independent request based on its results is also provided. Reopening to a person's detriment is not permitted merely because of a different assessment of known evidence; no new substantive grounds are created, and expired time limits are not restored to the person's detriment. The victim's direct request under Article 420(5) is conditional on an already final judgment establishing the relevant circumstance and on its significance for the outcome of the original case. The consequences for reexamination are expressly coordinated with Article 355(2) and (3) only within the scope of the request granted. An adverse change of the authority's own motion outside that scope is not permitted. Proceedings under Article 420a are for the benefit of the convicted person and are not a general procedure for repeatedly challenging every final judgment.

Organization, plea agreements, and random assignment. Organizational time limits do not displace Article 107(4). Exceptions for violations arising or becoming known later are coordinated with Articles 320, 351, and 360. Plea agreements retain their permissible scope and the rule in Article 381(4), but the court examines evidentiary support, defense access, and proportionality, including under Article 55 CC. The JSA additions make initial and subsequent assignment, exclusion from selection, and the reasons for changing the magistrate traceable, while protecting relevant personal data.

Safeguards against abuse of the new remedies are proportionate to the particular review. Recusal requests require circumstances relevant to impartiality, and repeated identical requests do not block the case. Evidentiary requests are assessed for relevance and necessity; the new reviews do not require collection of every item of evidence requested. Judicial setting aside does not select the next prosecutor by name and does not give rise to automatic disciplinary or criminal liability. The deciding authority's independence is thus combined with verifiability of the grounds for its decision.

Additional safeguards against institutional dependencies and abuse of procedural powers

Article 111 is supplemented by a right to protection for known claimants to a seized object, irrespective of any other procedural status. Review covers refusal, permission to hand it over to another person, and failure to rule. Notification and suspensive effect before actual handover prevent irreversible interference with rights. Periodic review requires current evidentiary necessity and proportionality. A dispute over ownership remains for the civil court under Article 113; the criminal court does not resolve it with the force of res judicata. The judgment of the Court of Justice of the European Union (CJEU) of May 12, 2022, RR and JG, C-505/20,

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ECLI:EU:C:2022:376, supports effective protection of third parties within the scope of Directive 2014/42/EU. The proposal introduces a more general national safeguard.

The practical need for review before handover is also supported by the prosecution service's official statement of July 5, 2023, concerning identified violations in the return of physical evidence and failure to take timely follow-up action. This supervisory finding is not a judgment of conviction and does not establish personal criminal guilt.

Judicial review of a refused recusal of a prosecutor and the prohibition on the author of a contested direction examining an appeal against its implementation limit self-review in a conflict. The other prosecutor is designated under the statutory procedure, without being selected by name by the court. Measures already taken are not automatically invalidated, and filing a report does not give rise to automatic recusal. Giving reasons for removing an investigating authority and that authority's right to object to an unlawful direction preserve the constitutional direction of the investigation while making the intervention reviewable.

Under the special procedure concerning the Prosecutor General, a short referral deadline, registration of movement, and restricted access according to powers are added. Official status alone does not grant access to materials concerning the relevant head. Account is taken of simultaneous designation of the supervising prosecutor and judicial review of termination and suspension of the court's own motion, effective since June 5, 2026; these safeguards are neither presented as missing nor duplicated. The new Article 411г(10) expressly assigns the administrative head's power under Article 234(3) to the special supervising prosecutor so that continuation of the investigation does not depend on the ordinary administrative head in the prosecution service. The related safeguards under Article 234(4), (6), and (12)-(14) also apply. Independent designation and judicial recusal under the special Chapter are preserved. The constitutional permissibility of this special mechanism was confirmed by Decision No. 14 of July 26, 2024, in Constitutional Case No. 10/2023; the proposal governs the performance of its functions without changing the constitutional holder of the prosecution function.

Disclosure of investigation materials is subject to a written assessment of necessity and proportionality. Prompt judicial protection allows removal of an unlawful publication from an official channel or clarification of procedural status, without censorship of independent media. The full special prohibition on disclosure under Article 198(1) is preserved. The legal basis is the presumption of innocence, Articles 4 and 10 of Directive (EU) 2016/343, and Article 6 § 2 of the European Convention on Human Rights (ECHR).

3. Financial and other resources necessary for implementation

Implementation requires initial investment and ongoing expenditure for recording equipment in interview rooms and courtrooms, secure storage and backup, technical maintenance, access control, provision of copies, and training. Funding is needed for legal aid, verifiability of expert evidence, and administration of the additional court proceedings. Mandatory audio recording of hearings is a more limited technical measure than universal video recording.

Expanded review of refusals, periodic reviews of suspended cases and detention, rulings on recusals by a separate panel, and post-conviction examinations increase workload. The necessary judicial and prosecutorial staffing, support staff, duty arrangements, and the capacity of the Supreme Court of Cassation to exercise the new powers must be assessed. Some of the expenditure may be offset by fewer repeated

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procedural measures, but such savings are not assumed in advance to be certain or sufficient.

Funding should be provided in the budgets of the competent authorities, including the judiciary budget and the legal aid budget, while respecting budgetary autonomy. The preparatory period for technical obligations allows for an inventory, public procurement, system testing, and training. No fees are introduced for the electronic access provided, and the costs of mandatory recording are not charged individually to the accused.

A reliable cost estimate requires institutional data on the number of files, refusals, suspended cases, hearings, interviews, and premises, the duration and retention period of recordings, and existing infrastructure and human resources. Without those data, neither a specific budget amount nor an absence of financial impact can be substantiated. If the proposal is accepted, the competent authority should prepare a cost estimate and organizational plan with the participation of the relevant budget administrators before introducing the draft law.

The organizational plan should distinguish initial investment from annual expenditure. The additional capacity required should be assessed by reference to the expected number of proceedings, average preparation and decision time, and available effective working resources, broken down by authority and judicial district. For recordings, the annual volume, retention period, backup copies, and cost of secure access should be calculated; maintenance, training, and legal aid should be assessed separately. The six-month preparatory period requires, in sequence, an inventory and budget planning, adoption of technical rules and procurement of the necessary equipment, followed by testing and training. The adequacy of this period must be confirmed using data from the competent authorities before adoption. If objective insufficiency is established, the period should be adjusted by the Law itself, without postponing safeguards through subordinate legislation.

4. Expected results

Earlier and reasoned rulings on reports of offenses, actual access to materials, fewer repeated acts with unfulfilled judicial directions, and timely resumption where grounds for suspension have ceased to exist are expected. Traceability of materials and recordings supports both termination of unfounded charges and proof of well-founded charges. Independent rulings on recusals and substantive review by higher instances reduce the risk of nonobjective decision-making.

Results should be assessed through decision times, the number and grounds of refusals and terminations set aside, compliance with judicial directions, duration of suspension, timeliness of access, missing recordings, granted corrections of written records, and violations of the reasonable-time requirement. The number of convictions or acquittals is not in itself an indicator of quality or abuse. Evaluation should consider the substantiation, lawfulness, and durability of acts, together with the workload and costs of the new safeguards. For subsequent evaluation, a comparable baseline should be established, the first full year of application should be monitored, and a review should be conducted after two years of data have accumulated. Acts set aside should be considered according to the type of

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violation and in relation to the total number of acts reviewed, rather than as an isolated count. The indicators should not be used as quotas for convictions, terminations, or disciplinary penalties.

5. Compliance with European Union law and international obligations

The constitutional basis is found in Articles 30, 31, 56, 117, 121, 122, 127, and 132 of the Constitution. The proposals give specific expression to the requirements of an independent and impartial court, equality and adversarial proceedings, establishment of the truth, and reasoned decisions. Judicial directions may not determine guilt, replace the prosecutor in bringing charges, or require a conviction. Judicial setting aside, a different interpretation, or a party's disagreement does not in itself establish grounds for a magistrate's criminal liability. The constitutional protection under Article 132(1) is preserved; the contemplated referral to the Inspectorate does not confer on it appellate review of inner conviction.

Within the scope of Article 51 of the Charter of Fundamental Rights, the draft develops Articles 47 and 48 and the protection under Article 50. Directive 2012/13/EU on information, Directive 2013/48/EU on access to an attorney, Directive (EU) 2016/343 on the presumption of innocence, Directive (EU) 2016/800 on safeguards for children, and Directive (EU) 2016/1919 on legal aid are relevant. Restrictions on access are specific and subject to review; essential materials for challenging detention are provided promptly. Conviction on the basis of material that the defense could not effectively challenge is not permitted.

Directive 2012/29/EU, including Article 11, is relevant to the victim's right to receive information and review of a decision not to prosecute. The draft provides more specific national safeguards concerning reasons, access, time limits, and independent review. They do not create a right for the victim to demand a conviction regardless of the evidence. Directive (EU) 2016/680 and the corresponding national framework apply to the processing and provision of information, with protection for witnesses, children, and classified information. Recordings and registers do not become publicly accessible without restriction.

The powers of the European Public Prosecutor's Office are preserved in accordance with Regulation (EU) 2017/1939. The national judicial review provided is exercised within the applicable limits of Article 42 of that Regulation. Neither national hierarchical prosecutorial control over the European Prosecutor and the European Delegated Prosecutors nor national administrative reassignment replacing the special competences is introduced. The special procedure for investigating offenses committed by the Prosecutor General or a deputy is also preserved.

The amendments develop the safeguards under Articles 3, 5, 6, and 13 of the European Convention on Human Rights and support effective performance of the procedural obligations to investigate violations of Convention-protected rights. The absolute prohibition on torture and inhuman or degrading treatment does not depend on the seriousness of the charge. Early access to an attorney is consistent with the principle in the Grand Chamber judgment of November 27, 2008, application No. 36391/02, § 63. The need for relevant and sufficient grounds for detention from the first judicial ruling was clarified in the Grand Chamber judgment of July 5, 2016, application No. 23755/07, § 102. The specific time limits and prohibitions provided are national legislative safeguards for the practical implementation of those principles.

Reopening and extraordinary setting aside are coordinated with Article 4 of Protocol No. 7 to the Convention. Where the prohibition on repeated prosecution applies, finality may

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be overcome only on permissible new or newly discovered circumstances or a fundamental defect capable of affecting the outcome. A different assessment of previously known evidence alone is insufficient. An opportunity to remedy wrongful conviction is provided without unlimited repeated prosecution of an acquitted person. An established offense by a participant in the original proceedings does not prejudge guilt on the original charge. This approach follows the distinctions in the Grand Chamber judgment of July 8, 2019, Mihalache, application No. 54012/10, §§ 115-126 and 130-137: clear limits on ordinary review, finality of the determination, and separate strict conditions for extraordinary reopening to the person's detriment.

This draft and its Explanatory Memorandum constitute a proposal under Article 18 of the Law on Normative Acts. In subsequently developing and introducing a draft law, the competent authorities shall undertake the applicable impact assessment, public consultations, financial provision, and necessary coordination. The safeguards identified should be applied together with the preserved fundamental principles and special procedures of the CPC.

Legislative sources and case law

1. Criminal Procedure Code - Ministry of Justice.

2. Constitution of the Republic of Bulgaria - Ministry of Justice.

3. Judicial System Act - Ministry of Justice.

4. Law on Normative Acts - Ministry of Justice.

5. Legal Aid Act - Ministry of Justice.

6. European Convention on Human Rights and protocols - official text.

7. Charter of Fundamental Rights of the European Union.

8. Directive 2012/13/EU - right to information.

9. Directive 2013/48/EU - access to an attorney.

10. Directive (EU) 2016/343 - presumption of innocence.

11. Directive (EU) 2016/800 - procedural safeguards for children.

12. Directive (EU) 2016/1919 - legal aid.

13. Directive 2012/29/EU - victims' rights.

14. Directive (EU) 2016/680 - protection of personal data.

15. Regulation (EU) 2017/1939 - European Public Prosecutor's Office.

16. European Court of Human Rights, Grand Chamber, judgment of November 27, 2008, application No. 36391/02.

17. European Court of Human Rights, Grand Chamber, judgment of July 5, 2016, application No. 23755/07.

18. European Court of Human Rights - Guide on Article 4 of Protocol No. 7, updated February 28, 2026, §§ 67-77.

Additional sources for the review of September 25, 2026:

1. CJEU, RR and JG, C-505/20, judgment of May 12, 2022.

2. Prosecutor's Office of the Republic of Bulgaria, statement of July 5, 2023, concerning the review conducted in 2020.

3. Constitutional Court, Decision No. 14 of July 26, 2024, in Constitutional Case No. 10/2023, promulgated in State Gazette No. 67 of August 9, 2024.

4. Committee of Ministers of the Council of Europe, 1545th meeting, decision of December 4, 2025, in the S.Z. and Kolevi groups; notes and decision, published unofficial Bulgarian translation.

5. European Court of Human Rights, Grand Chamber, Mihalache, judgment of July 8, 2019, application No. 54012/10, §§ 115-126 and 130-137.

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