

Draft Law Amending and Supplementing the Judicial System Act

Complete English translation

Author and submitting party

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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

This translation is provided for reference and is not a certified translation. The Bulgarian original remains the authoritative source. This English PDF does not carry the electronic signature of the original.

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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BULGARIAN SOURCE PAGE 01 / 29

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 LEGISLATIVE IMPROVEMENT

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 Judicial System Act, together with its Explanatory Memorandum, as a proposal for legislative improvement. It forms part of a package of proposals to amend and supplement the Criminal Code (CC), the Criminal Procedure Code (CPC), and the Judicial System Act (JSA).

I request that the Minister of Justice arrange an expert assessment and, if the proposal is endorsed, 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, the referral to the competent authority, and the outcome of the consideration through the Secure Electronic Delivery System (CCEB), with an additional notification to the email address indicated above.

BULGARIAN SOURCE PAGE 02 / 29

Draft

**LAW AMENDING AND SUPPLEMENTING 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.)

§ 1. Article 3a is inserted:

“Article 3a. (1) No pressure may be exerted on a judge, prosecutor, or investigating magistrate through the use or threatened use of powers relating to appointment, performance evaluation, promotion, transfer, temporary assignment, disciplinary punishment, determination of additional compensation, or organization of work for the purpose of influencing their decision in a particular case or file outside the means provided by law.

(2) The good-faith expression of a professional opinion, including public criticism on matters concerning the organization, independence, and functioning of the judiciary, participation in professional organizations and their lawful activities, reporting a violation, and exercising, in accordance with the established procedure, a right of objection, recusal, or appeal may not in themselves constitute grounds for unfavorable treatment in the exercise of the powers under paragraph 1. These rights shall be exercised in compliance with the statutory duties of impartiality and protection of protected information.

(3) Where a judge, prosecutor, or investigating magistrate identifies specific indications of a violation of paragraph 1 or 2 in proceedings affecting their official status, the competent body shall expressly address those indications and state the objective factual grounds for its decision. The assessment shall encompass all relevant circumstances, including the sequence of actions, their temporal connection with the protected conduct, statements by the officials involved, and the existence of an objective explanation for different treatment in comparable cases. A person in respect of whom statutory grounds for recusal exist shall not participate in the proceedings.

(4) The provisions of this Article shall not restrict lawful review by a higher instance, supervision of legality, or methodological guidance, nor liability for culpable failure to perform official duties. Protection against acts affecting official status shall be afforded under the procedure provided for the act concerned.

(5) A report of improper influence may be submitted directly to the relevant chamber of the Supreme Judicial Council (SJC), the Inspectorate to the Supreme Judicial Council, or the Minister of Justice, in accordance with their respective powers. Prior notification of the person whose actions are the subject of the report shall not be required. Where there are indications of a disciplinary violation, Article 312a shall apply. The protection under paragraph 2 shall not be withdrawn solely because the report or objection has been rejected.

(6) A judge, prosecutor, or investigating magistrate to whom a specific offer, request, or threat is addressed for the purpose of improperly influencing an official action shall, without unjustified delay, document the date, method of contact, participants, and

BULGARIAN SOURCE PAGE 03 / 29

content known to them and submit a report under paragraph 5, to which they may attach materials lawfully obtained. Where immediate submission creates a specific danger to a person's life, health, or safety, the report shall be submitted as soon as an appropriate secure means has been arranged.

(7) The report and the information identifying the reporting person shall be received and stored under a secure procedure with access assigned to named persons and a record of each disclosure. The report may not be assigned for examination to the person whose actions it describes or to a person with an established conflict of interest. The identity of the reporting person shall be disclosed only where necessary for the exercise of a statutory power or the right of defense, to the extent necessary and subject to the applicable protective measures. Where there are indications of a criminal offense, the materials shall be sent immediately to the body competent under the law, including under the special procedure for investigations concerning the Prosecutor General or a Deputy Prosecutor General.

(8) Paragraphs 6 and 7 shall not restrict the procedural rights of the parties, the lawful practice of the legal profession, the submission of complaints and reports, or permissible professional communications. They shall not establish an obligation to make secret recordings or a right to use special surveillance means, and shall apply in compliance with the statutory safeguards for the protection of reporting persons.”

§ 2. Article 9a is inserted:

“Article 9a. (1) The rules on specialization and on determining the pool of persons participating in random assignment under Article 9 shall be adopted on the basis of objective criteria announced in advance concerning the subject matter of cases and files, professional experience, and workload. The rules and the reasons for amendments to them shall be published before they are applied. That pool may not be changed for the purpose of assigning a particular case or file to a preselected person.

(2) Inclusion in and exclusion from an assignment pool shall be effected by a reasoned act stating the criteria applied, which shall be notified to the magistrate concerned. The act shall be registered in the information system before the next assignment. The previous composition of the pool, the date, and the grounds for the change shall be preserved. A pool may not be created solely for a particular case or file unless a law expressly provides a special procedure.

(3) In cases and files concerning offenses committed by judges, prosecutors, or investigating magistrates, the official status of the person being checked shall not in itself constitute grounds for excluding prosecutors in the relevant subject-matter pool at the competent prosecutor's office from random assignment. The pool shall be determined according to the nature of the offense under the conditions in paragraphs 1 and 2. Individual selection of the supervising prosecutor by the administrative head shall not be permitted except in cases expressly provided by law.

(4) This Article shall not alter competence and court jurisdiction established by law. The special rules on the designation, assignment, and replacement of prosecutors shall apply to proceedings under Chapter Thirty-One ‘a’ of the Criminal Procedure Code and to cases of the European Public Prosecutor's Office.”

BULGARIAN SOURCE PAGE 04 / 29

§ 3. Article 33 is supplemented as follows:

1. In paragraph 2, a second sentence is inserted: “Within the same time limit, the agenda and materials shall be published on the website of the Supreme Judicial Council, with information protected by law redacted from the public copies.”

2. In paragraph 6, second through fourth sentences are inserted: “Proposals for appointment, promotion, transfer, temporary assignment, release from office, and election of an administrative head may not be added on the day of the meeting. An exception shall be permitted only for a temporary organizational measure to prevent an imminent interruption of the work of a judicial body, where the need has arisen after the agenda was announced and the person concerned has been given an opportunity to express an opinion. The decision to supplement the agenda shall state the specific circumstances and the reasons why the matter cannot be considered at the next regular meeting.”

§ 4. Article 34 is amended and supplemented as follows:

1. Paragraph 3 is amended to read:

“(3) Decisions of the plenary and the chambers shall be drawn up as a single written act containing the established facts, evidence, legal grounds, and reasons for the determination made. The material objections of interested persons shall be addressed. When choosing between candidates, the comparative assessment under the applicable statutory criteria shall be stated. Where members supporting the decision have expressed different reasons, those reasons shall be recorded separately, without attributing to them shared reasons they have not expressed. A reference to a proposal, report, or statement shall be permissible only where the relevant part is expressly identified and attached to the decision. The requirements of this paragraph shall also apply to decisions under Article 320(7). Absence of reasons shall constitute an independent ground for setting aside the decision.”

2. Paragraphs 5-7 are inserted:

“(5) In the cases under the second sentence of Article 33(5), the written act shall contain the voting result and the reasons for rejection recorded by the members who voted against the proposal. Before the discussion closes, each member intending to vote against shall briefly state the relevant factual and legal grounds or expressly endorse grounds already stated. Failure to obtain the required majority shall not substitute for reasons.

(6) For every proposal put to a vote, the minutes shall identify the members present, the recusals declared, nonparticipation, and the vote cast by each member, as well as the quorum and majority established. A correction to the minutes shall be made by a separate entry preserving the original content, the grounds for the correction, its author, and its time.

(7) The written act, together with the reasons and the information under paragraph 6, shall be published on the website of the Supreme Judicial Council and notified to interested persons within 7 days of the meeting. Information protected by law shall not be included in the public copy. Notification to the interested person shall comply with the statutory access regime; where access is restricted, the permissible part of the act and the essential substance of the grounds shall be provided to an extent allowing effective defense. The complete act

BULGARIAN SOURCE PAGE 05 / 29

shall be retained and made available to the competent court. The time limit for a challenge shall begin to run upon due notification of the act and its reasons under the conditions of this paragraph.”

§ 5. Article 35 is amended and supplemented as follows:

1. In paragraph 1, the words “in voting on a decision” are replaced by “in the preparation, discussion, and voting on a decision”.

2. Paragraphs 5-7 are inserted:

“(5) Before the matter concerned is considered, the member shall disclose the specific circumstances under paragraph 1 known to them. The interested person may submit a reasoned request for recusal, which shall immediately be made available to the member concerned and placed in the file.

(6) The member shall decide on the request before participating in the preparation, discussion, or voting, stating in writing the grounds for recusal or for refusing to withdraw. The request, the circumstances declared, and the determination shall be recorded in the minutes and published in compliance with the requirements for protection of personal data and secrecy protected by law. The plenary and the chambers may not, by a decision under this procedure, exclude a member from participation.

(7) Objections alleging a violation of this Article shall be considered in the challenge to the final act under Article 36. The mere submission of a request for recusal shall not stay the proceedings or constitute grounds for excluding the member.”

§ 6. In Article 54, paragraph 6 is inserted:

“(6) In the inspections under paragraph 1, items 1 and 2, the Inspectorate shall also verify compliance with the rules on assignment and reassignment, registration of acts under Articles 143a-143b, the processing of reports, and time limits for determinations. The inspection shall concern organization and documentary traceability and shall not include setting aside or amending procedural acts or giving instructions on the determination of a particular case or file. This paragraph shall not create an exception to the restrictions under paragraph 5. Inspections may not be used to circumvent those restrictions.”

§ 7. In Article 58, paragraphs 5-8 are inserted:

“(5) Each recommendation under paragraph 2 shall state the organizational deficiency established, the required result, the body competent to implement it, and the implementation deadline. The recommendation may not contain an instruction on the outcome of a particular case or file.

(6) The notification under paragraph 4 shall state the actions taken, evidence of implementation, the parts not implemented, and the specific reasons for nonimplementation. Within one month after the prescribed deadline expires, the Inspectorate shall verify implementation and prepare a reasoned conclusion on each recommendation. Where implementation objectively requires additional actions, an additional time limit with specific interim measures shall be set; the extension shall not suspend the time limits for seeking accountability.

(7) The inspection act, objections and decisions on them, notification, and implementation conclusion shall be linked in a common electronic file. Where there are indications of nonimplementation or another violation, the materials shall be sent promptly to the body competent to take action; that body shall notify the Inspectorate of the number of the file opened and the final act issued, to the extent permitted by law. Where it takes no action, the competent body shall state its reasons.

BULGARIAN SOURCE PAGE 06 / 29

(8) Every quarter, the Inspectorate shall publish aggregate information on recommendations whose deadlines have expired, measures implemented, and nonimplementation, without information concerning protected persons or secrecy protected by law. The application of paragraphs 5-7 shall not expand the competence of the Inspectorate or create an exception to Article 54(5).”

§ 8. Article 59a is inserted:

“Article 59a. (1) The body that has lawfully commissioned an inspection or disciplinary inquiry shall immediately notify the holder of the documents, electronic records, and other materials specifically identified as relevant to the inquiry of the need to preserve them. The notification shall state the legal basis, subject matter, and scope of preservation.

(2) From receipt of the notification until the final conclusion of the inquiry and of any disciplinary or judicial proceedings directly connected with it, the identified materials shall not be destroyed because an archival retention period has expired or erased automatically. Information on origin, movement, changes, and access shall be preserved. The holder shall immediately confirm preservation and state any objective impediments.

(3) The body under paragraph 1 shall assess the need for and scope of preservation at least once every six months and notify the holder when the grounds cease to exist. Only necessary materials shall be retained, accessible solely to authorized persons. Preservation actions shall not create a new basis for collecting information or using it for another purpose.

(4) Where an inspecting body competent under the law has a right of access, sending the originals to another body shall not constitute an independent ground for refusal. Certified copies or secure access shall be provided in compliance with the applicable statutory regime. Any restriction shall be specifically reasoned, stating the legal basis and the possibility of providing partial access. This paragraph shall not remove the protection of professional secrecy of attorneys, classified information, or investigative secrecy, and shall not grant access to a body lacking statutory competence.

(5) Where the materials relate to the activities of the European Public Prosecutor’s Office or to an investigation concerning the Prosecutor General or a Deputy Prosecutor General, preservation and access shall be carried out by the bodies competent under the special procedure. The notification shall not be forwarded to a person whose actions are the subject of the inquiry where doing so would jeopardize its subject matter or independence.”

§ 9. In Article 87(1), Article 94(1), Article 100(1), Article 107(1), Article 115(1), and Article 123(1), the words “Article 227(2)-(9)” are replaced by “Article 227(2)-(15)”.

§ 10. In Article 138(1), item 6, second and third sentences are inserted: “The reasons, amendments, and information on their repeal shall also be published, with previous versions remaining accessible. Instructions and guidance of a general nature may not contain an order for the determination of an individually specified case or file; such orders shall be subject to the grounds and procedure under Articles 139, 143, and 143a.”

BULGARIAN SOURCE PAGE 07 / 29

§ 11. In Article 138a, paragraphs 6 and 7 are inserted:

“(6) The report under paragraph 1 shall include an aggregate analysis of the information under Article 140(6) and Article 143~~6~~(6), the systemic causes of violations identified, the measures taken, and implementation of the measures specified in the preceding report.

(7) The reports and their discussion may not be used to give instructions concerning actions or determinations in a particular case or file. Information shall be published with respect for the presumption of innocence, the rights of participants, protection of personal data, and secrecy protected by law.”

§ 12. In Article 139(2), the words “may, in writing, set aside or amend prosecutorial acts” are replaced by “may, by a reasoned written act, under the conditions, within the time limits, and in accordance with the procedure provided by law, set aside or amend prosecutorial acts”, and the following is added at the end: “The requirements of Articles 143a and 143~~6~~ shall apply accordingly.”

§ 13. Article 140 is supplemented as follows:

1. In paragraph 2, a second sentence is inserted: “Organizational powers may not be used to give instructions in a particular case or file outside the statutory grounds and procedure under Articles 143 and 143a.”

2. Paragraphs 6-9 are inserted:

“(6) The annual report under paragraph 1, item 4 shall contain aggregate information on:

1. the duration of checks and pretrial proceedings, the reasons for exceeding time limits, and the measures taken;
2. refusals to initiate pretrial proceedings, terminated and suspended criminal proceedings, and the results of the review of those acts provided by law;
3. the return of cases for the correction of procedural violations, acquittals that have become final, and the reasons identified for those outcomes;
4. repeated failure to comply with binding judicial instructions, established by a final judicial act, and the organizational measures taken;
5. changes of supervising prosecutor and their legal grounds, without information enabling identification of participants in particular pending proceedings.

(7) The information under paragraph 6 shall be published in compliance with the protection of personal data and secrecy protected by law, according to a uniform methodology taking account of factual and legal complexity and workload. The methodology shall be adopted by the Prosecutors’ Chamber of the Supreme Judicial Council following public discussion and published on the Council’s website.

(8) No mandatory number or percentage of charges, convictions, refusals, or terminated or suspended proceedings may be set as an individual or collective professional target or as a condition for a favorable evaluation of a prosecutor or investigating magistrate. Statistical information may be used for resource planning and identifying problems, without predetermining the determination in a particular case or file.

(9) In internal checks and audits within the prosecution service, the requirements of Article 58(5)-(7) concerning the designation of a responsible body and a deadline, documentation, and verification of implementation shall apply accordingly, with the actions performed by the bodies competent under this Act. A report containing findings of a possible violation shall be registered immediately and sent to the competent

BULGARIAN SOURCE PAGE 08 / 29

body within 7 days. On each material finding, the competent body shall issue a reasoned act concerning the actions taken or the grounds for taking no action within the time limit provided by law or, where none is provided, within one month of receipt. Where the information concerns the Prosecutor General or a Deputy Prosecutor General, the special statutory procedure shall apply. This paragraph shall not confer on the Inspectorate to the Supreme Judicial Council powers to review the correctness of procedural acts.”

§ 14. Article 143 is supplemented as follows:

1. In paragraph 2, second and third sentences are inserted: “Orders and instructions shall be issued in a signed written act, including in electronic form, which shall be placed in the relevant case or file. Their transmission through another person shall not exempt the author from the requirements concerning form, reasons, and registration.”
2. In paragraph 7, second, third, fourth, and fifth sentences are inserted: “The objection shall be considered by a prosecutor who did not participate in issuing the challenged act or instruction, designated in accordance with Article 9. That prosecutor shall issue a reasoned written act within seven days, or immediately where there is an imminent danger of substantial or difficult-to-remedy harm. The submission of an objection shall not stay execution unless the competent prosecutor orders otherwise. An instruction whose execution would constitute a criminal offense shall not be executed.”

§ 15. Articles 143a, 143b, and 143c are inserted:

“Article 143a. (1) Every act exercising a power under Article 143(3), (5), and (6) in relation to a particular case or file shall contain:

1. the issuer’s name, position, and signature, the date of issuance, and the case or file number;
2. the specific statutory ground for exercising the power;
3. the established facts and the materials on which the conclusions are based;
4. the violation or omission identified, if any, and the legal reasons for exercising the power;
5. a precisely specified order and, where instructions for additional actions are given, their nature and the facts to be established or verified;
6. a time limit for execution consistent with the statutory time limits and the time objectively required.

(2) An administrative order, oral discussion, official memorandum, or other organizational action may not be used to circumvent the statutory grounds, form, and procedure for exercising the powers under Article 143. Discussion of legal issues shall not exempt the prosecutor issuing the act from the duty to form their own inner conviction on the basis of the law and the evidence.

(3) Where the instruction was given by the Prosecutor General and there is no competent higher-ranking prosecutor, the addressee may submit a reasoned written request for its reconsideration. The Prosecutor General shall personally issue a reasoned written act within the time limit under Article 143(7). The request and the determination shall be placed in the case or file and entered in the register under Article 143b. This shall not restrict the right to submit a report under Article 3a(5) or the judicial review provided by law of the act issued on the basis of the instruction.

BULGARIAN SOURCE PAGE 09 / 29

(4) The provisions of this Article shall not create new grounds for setting aside or amending prosecutorial acts beyond those provided in procedural law, nor permit review of a final judicial act outside the procedure established by law.

(5) This Article shall not apply to the activities of the European Prosecutor and European Delegated Prosecutors when performing functions under Regulation (EU) 2017/1939.

(6) In cases and files concerning offenses committed by the Prosecutor General or a Deputy Prosecutor General, the application of Articles 143-143b shall not create powers of supervision, instruction, or access to materials for the Prosecutor General or for persons other than those designated under the special procedure in Chapter Thirty-One 'a' of the Criminal Procedure Code. The rules on reasons and registration shall apply accordingly to the acts of the prosecutor under Article 173a(4), solely within the limits of the review powers conferred on that prosecutor by law. Access to these entries shall be separated organizationally and technically and granted only to persons authorized under the special procedure, the competent court, and participants in the proceedings to the extent provided by law.

Article 143b. (1) The Prosecutor's Office of the Republic of Bulgaria shall maintain a unified electronic register of the acts under Article 143a, objections and requests for reconsideration directed against them and the acts issued thereon, as well as the acts under Article 143b. The register shall ensure linkage with the relevant case or file and with the information on its assignment under Article 9.

(2) The case or file number, type of intervention, author, addressee, statutory ground, date and time of issuance, receipt and registration, prescribed time limit, and information on execution shall be entered in the register. The signed act shall be attached to the entry. Registration shall be effected on the day of issuance; where technically impossible, the act shall be registered under the general records-management procedure and entered in the electronic register no later than the next working day after the system resumes operation, stating the reason for the delay.

(3) Every creation, access, addition, or correction shall be recorded automatically with the identifier of the person performing it, the date, and the time. Corrections shall be made only by a new entry preserving the original content and the reason for the correction. Deletion or replacement of the original entry during its retention period shall not be permitted. The data, acts, and access records shall be retained for the retention period of the relevant case or file; where proceedings concerning the lawfulness of the intervention are pending, they shall also be retained until the final conclusion of those proceedings.

(4) Access to the register shall be granted to the prosecutors competent in the case or file, the court in the exercise of its statutory powers, and bodies with supervisory or disciplinary powers within their competence. Persons entitled to access the materials in the case or file and their defense counsel and attorneys representing other parties shall also receive access to the relevant acts and entries to the same extent and under the same procedure. Classified information, personal data, and secrecy protected by law shall be protected in accordance with the applicable special law.

(5) The plenary of the Supreme Judicial Council shall adopt technical rules for the register on a proposal from the Prosecutors' Chamber following public discussion. The rules shall ensure separation of system-administration rights from rights to alter case data, backup storage, and an annual technical verification of the integrity of data and access records by persons who have not participated in administering the system being

BULGARIAN SOURCE PAGE 10 / 29

verified. The verification shall be commissioned by the plenary and shall not include assessment of procedural decisions; access to the contents of files shall be restricted to what is necessary for the technical verification, in compliance with the special regimes. The rules may not introduce additional grounds for refusing access beyond those established by law.

(6) Aggregate information on the number and type of acts, objections, the results of their consideration, and established violations of registration requirements shall be published annually. Information enabling identification of persons in pending cases or disclosure of secrecy protected by law shall not be published.

(7) This Article shall not apply to acts and instructions issued in the performance of functions under Regulation (EU) 2017/1939.

Article 143b. (1) Administrative reassignment of a case or file to another prosecutor within the competent prosecutor's office shall be permitted in the event of recusal, termination or alteration of the official service relationship, objective inability to perform duties, or another reason expressly provided by law. Reassignment to balance workload shall be permitted under general criteria announced in advance, on the basis of verifiable workload data and with consideration of its effect on the duration of the proceedings.

(2) Reassignment shall be effected by a reasoned written act of the competent body. The act shall state the specific reason, the information establishing it, the applicable general criteria, if any, and the necessity for the change. Disagreement with an issued act, a legal opinion, or an objection submitted shall not in itself constitute grounds for administrative reassignment.

(3) The new prosecutor shall be designated in compliance with Article 9. In the case of temporary substitution under Article 144(2), the valid reason, scope, and duration of the substitution shall be stated; where an imminent procedural deadline requires participation of a duty prosecutor, that prosecutor shall be designated under the previously approved roster solely for the urgent action. This shall not change the supervising prosecutor for the remainder of the proceedings.

(4) The act under paragraph 2 or 3 and the record designating the prosecutor shall be placed in the case or file, entered under Article 143b, and notified to the replaced and designated prosecutors. The access of persons entitled to access the case or file shall extend to those documents under the applicable procedural rules.

(5) This Article shall not restrict the powers of the court and the higher-ranking prosecutor expressly provided by procedural law. Administrative reassignment shall not set aside procedural actions performed or acts issued, or dispense with binding judicial instructions.

(6) This Article shall not apply to the assignment and reassignment of cases of the European Public Prosecutor's Office. The special rules for the designation and replacement of prosecutors shall apply to proceedings under Chapter Thirty-One 'a' of the Criminal Procedure Code; no powers of administrative intervention outside that procedure shall be created."

§ 16. In Article 145, paragraphs 8-11 are inserted:

“(8) The powers under this Article shall be exercised only to the extent necessary to perform a specific function entrusted to the prosecutor by the Constitution and the law. The subject matter, scope, and duration of the check shall be consistent with the available information, the

BULGARIAN SOURCE PAGE 11 / 29

legitimate aim pursued, and the proportionality of the interference with the rights of persons. Mere reference to the public interest or a general duty to uphold legality shall not establish competence beyond that provided by law.

(9) The check shall be carried out or commissioned by a reasoned written act stating the information necessitating the check, its subject matter, legal basis, the circumstances to be clarified, the body entrusted with it, and the time limit. Any change in the subject matter and extension of the time limit shall be separately reasoned. Commissioning additional actions, forwarding the materials, or separating or joining files concerning the same facts shall not commence a new time limit for the check.

(10) The powers under this Article shall not provide an independent basis for search, seizure, access to the content of communications, disclosure of banking secrecy or other secrecy protected by law, restriction of professional secrecy of attorneys, or any other interference for which the law provides special prerequisites, authorization, or judicial review. The relevant special procedure shall apply to those actions. Materials may not be requested or provided in violation of Articles 33 and 45 of the Attorneys Act.

(11) Where the statutory prerequisites for initiating pretrial proceedings exist, the prosecutor shall make a determination under the Criminal Procedure Code without awaiting expiry of the time limit for the check. The check may not replace the investigation or be used to circumvent the procedural safeguards of a person against whom criminal prosecution is in fact directed.”

§ 17. Articles 145a and 145b are inserted:

“Article 145a. (1) A request for the production of documents, information, explanations, or other materials under Article 145(1), item 1 shall be made in writing and state the file number and subject matter, the specific statutory ground, the materials requested and their connection with the circumstances being checked, and the time limit and method of compliance. Information may not be requested to an extent manifestly exceeding what is necessary for the purpose of the check.

(2) Before explanations are obtained, the person shall be informed, in a manner they understand, of the subject matter of the check, the right to assistance of counsel, and the right not to give explanations that would incriminate them in a criminal offense. Notification and the exercise of those rights shall be certified in writing. The person shall be afforded a genuine opportunity for confidential consultation with an attorney before giving explanations.

(3) The exercise of the right under paragraph 2 and reliance on a statutory duty to preserve professional secrecy of attorneys or other secrecy protected by law shall not constitute grounds for a sanction or compulsory appearance for the purpose of obtaining explanations or materials in violation of that right or duty.

(4) An order for compulsory appearance under Article 145(1), item 4 shall be issued in writing and contain information on due summons, failure to appear, the absence of a valid reason, and the necessity for personal appearance. It shall state the place and purpose of the compulsory appearance. Coercion shall cease immediately upon achievement of the lawful purpose and may not be used as an independent basis for detention.

(5) When forwarding materials under Article 145(1), item 5, the prosecutor may not predetermine whether the addressee should impose a sanction or a coercive administrative measure. The competent body

BULGARIAN SOURCE PAGE 12 / 29

shall make its own assessment of the statutory prerequisites and bear responsibility for the act issued.

(6) Requests and orders under Article 145(1), item 6 and paragraphs 4 and 5 that directly create obligations or affect the rights or legitimate interests of citizens or legal entities shall be issued in a signed written act. The act shall state the specific statutory ground, factual circumstances, addressee, conduct required, time limit, and reasons for the necessity and proportionality of the interference. Where the act is executed through another body, a copy shall also be provided to the person directly affected under the conditions of Article 145(3).

Article 145. (1) Requests and orders under Article 145(1), items 1, 4 and 6 and paragraphs 4 and 5, issued outside formally initiated criminal proceedings, shall be subject to judicial challenge where they directly create obligations or affect the rights or legitimate interests of citizens or legal entities and no other law provides judicial review of the same interference. The actual substance of the act shall govern, regardless of its designation, the legal basis stated, or the body through which it is executed. The forwarding of materials or a proposal under Article 145(1), item 5 shall not in itself be subject to challenge under this Article; any independent binding order contained therein shall be challenged under the conditions of the first sentence.

(2) The addressee and other directly affected persons shall have a right of complaint. The complaint shall be filed within fourteen days of notification of the act with the administrative court for the seat of the prosecutor's office whose prosecutor issued it. For a person who has not been notified of the act, the time limit shall run from the time they became aware of it; in the event of a dispute, the burden of proving earlier awareness shall rest on the prosecutor who issued the act. A prior appeal to a higher prosecutor's office shall not be required. Where instructions concerning judicial challenge are absent or incorrect, Article 140 of the Administrative Procedure Code shall apply accordingly. A request for a declaration of nullity shall not be subject to a time limit.

(3) A copy of the act shall be served on the addressee with an indication of the court and the time limit for challenge. In the case of compulsory appearance, a copy shall be served before execution begins unless this is objectively impossible; in that event it shall be served immediately after the person has been brought in, and the reason shall be certified in writing. The person entitled to complain shall be granted access to the materials necessary for the challenge within three days of the request or, where a need for interim judicial protection has been stated, immediately, subject to the special rules for protection of information. Any restriction of access shall be reasoned in writing within the same time limit and subject to review by the court in the same proceedings. The permissible part of the materials and the essential substance of the grounds shall be provided to an extent allowing an effective challenge, in compliance with the restrictions established by law. All relevant materials shall be provided to the court under the applicable procedure for protection of information.

(4) The complaint may be filed through the prosecutor's office that issued the act or directly with the court. The prosecutor's office shall send the entire relevant file within three days of receipt of the complaint or the court's request. Where the complaint includes a request for interim protection, the complaint and request shall be sent to the court immediately and the remaining materials within the time limit in the second sentence. Failure to produce the file shall not prevent a determination on the request.

(5) The complaint shall not stay execution. At the complainant's request, the court may stay execution in whole or in part where it may cause substantial or difficult-to-remedy harm, also taking into account any imminent danger to the life or health of other persons or

BULGARIAN SOURCE PAGE 13 / 29

to another particularly important public interest. The request may be made with the complaint or before the judicial proceedings conclude. The court shall rule immediately, but no later than twenty-four hours after receiving it, including before receipt of the entire file. The court shall immediately notify the prosecutor's office and the known executing body of the order in a manner certifying receipt. The order shall be subject to appeal under the Administrative Procedure Code; the appeal shall not stay its execution.

(6) The court shall hear the complaint in a public hearing, summoning the complainant, the prosecutor who issued the act, and the other interested persons. The prosecutor shall establish the factual and legal grounds for the act and compliance with the requirements of necessity and proportionality. The court shall examine competence, form, grounds, purpose, and proportionality of the interference and rule within one month of receipt of the complaint. It may dismiss the complaint, declare the act null and void, or set it aside in whole or in part. In these proceedings, the court may not order the initiation of pretrial proceedings, the bringing of charges against a person, the filing of an indictment, or a particular outcome of the check.

(7) For an act issued in the course of a check based on indications of an offense, review shall cover only the direct interference with rights by the challenged request or order. The remedies provided in the Criminal Procedure Code shall apply to a refusal to initiate pretrial proceedings, inaction in making a determination on the report, and acts within initiated criminal proceedings. The subsequent initiation of criminal proceedings shall not exclude review under this Article of the earlier order.

(8) Execution of the act shall not remove the legal interest in challenging it where an interference with rights is alleged to have occurred. An act meeting the conditions of paragraph 1 shall not be excluded from judicial review solely because of its preparatory character. Matters not regulated shall be governed, as appropriate, by the rules of the Administrative Procedure Code on challenges to individual administrative acts. The judgment shall be subject to cassation appeal before the Supreme Administrative Court under the same Code.

(9) Review of procedural acts of the European Public Prosecutor's Office shall be carried out in compliance with Article 42 of Regulation (EU) 2017/1939. The judicial procedure provided in this Article shall apply where the conditions under paragraph 1 are met and jurisdiction belongs to the national court under the Regulation. The exclusion of national prosecutorial supervision and registration under Articles 143a and 143b shall not restrict the judicial review provided by European Union law."

§ 18. In Article 173, paragraphs 18-21 are inserted:

“(18) By the decision opening the procedure, the plenary shall adopt and publish a uniform methodology for evaluating candidates under the statutory requirements. The methodology shall specify the indicators to be verified, the relevant sources of information, and the method for comparing professional and moral qualities. It may not introduce additional eligibility conditions not established by law and shall not be amended after the period for proposals has begun.

(19) Before the final reports under paragraph 9 are prepared, the candidate shall be provided with the relevant adverse information and a period of no fewer than seven days for a written response, which shall be attached to the reports. New adverse information received after publication of the reports may be used in the decision only after a genuine

BULGARIAN SOURCE PAGE 14 / 29

opportunity to respond has been provided. The mere status of witness, accused person, or person against whom a report has been submitted shall not prove a lack of professional or moral qualities or replace assessment of the specific facts established. The presumption of innocence and the right of defense shall be respected. Information shall be provided in compliance with the statutory regime for access to protected information and with sufficient substance to permit an effective response.

(20) The decision on election shall address the material information established, the candidates' responses, and the relevant questions under paragraph 8. The existence of only one candidate shall not relieve the plenary of affirmatively establishing and stating reasons for that candidate's compliance with the statutory requirements.

(21) Proposals and decisions under paragraphs 15 and 16 shall state the specific grounds, the starting and ending dates of the temporary performance of functions, and all previous periods during which the same person performed the same functions. The Supreme Judicial Council shall maintain a public chronological record of those periods. No later than one month before the maximum period is reached, the Council's administration shall notify the plenary, the relevant chamber, and the Minister of Justice. Notification and entry shall not extend the period or replace the decision provided by law."

§ 19. In Article 173a, paragraphs 9-11 are inserted:

"(9) The Prosecutors' Chamber of the Supreme Judicial Council shall decide on appointment under paragraphs 2 and 4 within seven days of receiving the notification. The time limit shall also apply to the appointment of another person under paragraphs 3 and 6. The head of the Criminal Division of the Supreme Court of Cassation shall simultaneously send a copy of the notification to the designated person and to the Minister of Justice.

(10) Failure to decide within the time limit under paragraph 9 shall be deemed a tacit refusal. The designated person and the Minister of Justice may challenge the refusal under Article 36(3) within fourteen days of expiry of the time limit under paragraph 9, and an express refusal within fourteen days of its notification. The Prosecutors' Chamber shall send the complaint and the entire file to the court within three days of receiving the complaint. If it fails to do so, the complainant may submit the complaint directly to the court, which shall request the file of its own motion.

(11) The court shall rule on the complaint within fourteen days of its receipt. If it sets aside the refusal, the court shall return the file to the Prosecutors' Chamber with binding instructions on the interpretation and application of the law and set a time limit for a decision, which may not exceed seven days from receipt of the court's judgment. The court shall not designate another person for appointment or make the appointment in place of the Prosecutors' Chamber. The judgment shall be final. The issuance of an express refusal after a tacit refusal has been challenged shall not terminate the judicial proceedings; the express refusal shall be deemed challenged in the same proceedings."

§ 20. Article 173b is inserted:

"Article 173b. (1) A decision temporarily suspending from office under Article 230, 230a, or 232 a prosecutor under Article 173a(2) or (4) shall not be executed before the appeal period expires or, if appealed, until the court's judgment becomes final, except in the case under paragraph 3.

BULGARIAN SOURCE PAGE 15 / 29

(2) In deciding on the request for suspension and in judicial review, express consideration shall be given to the specific information concerning the necessity for the measure, the possibility of achieving its purpose through a less restrictive measure, and the information identified by the affected person concerning improper influence in connection with the performance of their functions. The initiation of criminal or disciplinary proceedings shall not in itself establish the necessity for temporary suspension.

(3) On a reasoned request from the body that ordered the suspension, the court competent to hear the appeal may allow preliminary execution only where specific information establishes an imminent and serious danger of obstructing the criminal or disciplinary proceedings or committing a new serious violation in the performance of official functions, and that danger cannot be prevented by a less restrictive measure. The court shall give the affected person an opportunity to express an opinion and issue a reasoned order within three days of receipt of the request. The order shall be subject to appeal under the Administrative Procedure Code. The determination shall not prejudice questions of criminal or disciplinary liability.

(4) Paragraphs 1-3 shall not affect temporary suspension occurring by operation of Article 230(7) and Article 230a(6), or suspension from office ordered by a court under the Criminal Procedure Code. They shall not restrict powers of investigation, bringing charges against a person, or imposing measures of procedural coercion, and shall not extend the time limits under Article 173a(3) and (6).”

§ 21. In Article 175o(3), a second sentence is inserted: “The reporting person shall be notified of the decision and its specific factual and legal grounds in compliance with the protection of personal data and secrecy protected by law.”

§ 22. In Article 198, paragraphs 6-8 are inserted:

“(6) In evaluating the indicators under paragraph 2, item 2 and Article 199, a qualitative analysis shall be made of the reasons, factual and legal complexity, procedural conduct, and grounds for amendment or setting aside. Subsequent changes in the evidence, legislation, and binding case law shall be taken into account. The number or percentage of acts and judicial outcomes shall not, on its own, justify an unfavorable evaluation.

(7) An acquittal, the lawful termination of criminal proceedings, or the setting aside or amendment of an act shall not in itself justify a finding of professional unfitness. In evaluating a prosecutor or investigating magistrate, account shall also be taken of compliance with the duties to establish and verify circumstances that exonerate the accused or mitigate their liability.

(8) For a period of service as a European Delegated Prosecutor, paragraphs 6 and 7 shall apply with due regard to the evaluation under paragraph 5 and without any national body exercising control over the operational decisions of the European Public Prosecutor’s Office.”

§ 23. Article 199 is amended as follows:

1. In paragraph 2, item 2 is amended to read:

“2. compliance with lawful written instructions and orders of the higher-ranking prosecutor, with due regard to the right of objection under Article 143(7);”

BULGARIAN SOURCE PAGE 16 / 29

2. In paragraph 3, item 2 is amended to read:

“2. compliance with the prosecutor’s lawful written instructions and orders, with due regard to the right of objection in the cases provided by law;”

§ 24. In Article 200, paragraph 4 is inserted:

“(4) The evaluation under paragraphs 1 and 2 shall address compliance with random selection, objectivity of workload allocation, measures against improper influence, compliance with registration and reasoning duties, and implementation of measures to remedy established organizational violations. The specific powers of the person being evaluated and their ability to influence the circumstances established shall be taken into account.”

§ 25. Article 218a is inserted:

“Article 218a. (1) Additional compensation of judges, prosecutors, and investigating magistrates for results achieved, performance of specific tasks, and under Article 233(6) shall be determined according to objective criteria and a methodology announced in advance and adopted by the plenary of the Supreme Judicial Council in accordance with the powers of the relevant chamber. The criteria and methodology shall be published before the start of the period to which they apply.

(2) The criteria shall take account of workload, the factual and legal complexity of the work, compliance with time limits, and performance of additional tasks lawfully assigned. Quotas or targets for convictions or acquittals, charges brought, refusals, suspensions, or terminations shall not be permitted. The lawful exercise of recusal, objection, challenge, or submission of a report may not constitute grounds for reducing or refusing compensation.

(3) The act determining the individual amount or refusing compensation shall state reasons by applying the announced criteria to verifiable information and shall be notified to the person concerned. Where the amount differs from that determined for persons with an equivalent contribution and comparable workload, the specific grounds for the difference shall be stated.

(4) The plenary of the Supreme Judicial Council shall annually publish aggregate information on the amounts paid by type of compensation and judicial body. Publication shall not include personal data beyond what is necessary for the publicity required by law.”

§ 26. Article 227 is amended and supplemented as follows:

1. Paragraph 2 is amended to read:

“(2) Paragraph 1 shall not apply to temporary assignment to a vacant established post. Temporary assignment shall require prior written consent and shall be for a period of up to 12 months. On a reasoned request from the competent administrative head, the relevant chamber of the Supreme Judicial Council may authorize a one-time extension of no more than six months where a competition for the post has been announced and its conclusion has been delayed for objective reasons stated in the decision. The extension shall require the prior written consent of the temporarily assigned person. When a substantive officeholder takes office, the temporary assignment shall end. For the maximum duration, all periods of temporary assignment of the same person to the same body during the preceding three years shall be aggregated, irrespective of interruptions or changes in the vacant post. Where a law provides a shorter period for temporary assignment, the shorter period shall apply; this paragraph shall not permit extension beyond the period under Article 147(4).”

BULGARIAN SOURCE PAGE 17 / 29**2. Paragraphs 10-15 are inserted:**

“(10) Before a temporary assignment under paragraph 2, the competent administrative head shall publish on the websites of the body concerned and the Supreme Judicial Council a notice of the official need, expected duration, applicable criteria under paragraph 7, and a period of no fewer than 14 days for applications. The notice shall state the workload of the receiving body and the reasons why the need cannot be addressed through other organizational measures.

(11) Applicants shall be evaluated according to the criteria announced in advance. The order shall contain comparative reasons for the selection and an assessment of the consequences for the work of the body from which the person is temporarily assigned. The order shall be notified to all applicants. The criteria may not be changed after the application period expires.

(12) Where there is an imminent danger of cessation of the work of the body concerned, a temporary assignment under paragraph 2 may be made until completion of the selection under paragraphs 10 and 11, but for no more than 30 days. The urgency shall be justified by specific circumstances. The selection procedure shall be opened simultaneously with the temporary assignment. The period under this paragraph shall count toward the period under paragraph 2; successive temporary orders addressing the same need shall not be permitted.

(13) Early termination of the temporary assignment by the administrative head shall be effected by a reasoned written order where the official need ceases, a substantive officeholder takes office, the temporarily assigned person requests it in writing, or specific organizational circumstances objectively require their return. The temporarily assigned person shall be given an opportunity to submit an opinion within 7 days. The requirement for a prior opinion shall not apply to termination on the temporarily assigned person's written request or because a substantive officeholder takes office, and shall not postpone termination by operation of law. In urgent circumstances relating to continuity of work, the period may be shortened to three days with express reasons. Termination may not serve to impose a disciplinary sanction outside the established procedure or to influence actions and acts in a particular case or file. The power of the Judges' Chamber under Article 30(5), item 18 shall be preserved, and the requirements of the second through fifth sentences shall apply accordingly.

(14) Orders for temporary assignment and early termination shall be subject to challenge by the affected person under the Administrative Procedure Code. Every applicant under paragraph 10 shall have the right to challenge the temporary assignment order under paragraph 11 within 14 days of its notification. Interim judicial protection shall be afforded under the same Code. The chamber's decision authorizing an extension under paragraph 2 shall be subject to challenge under Article 36.

(15) The orders, authorizations of extension, and their reasons shall be entered in the public register of temporarily assigned persons maintained by the Supreme Judicial Council within three days. The register shall calculate and display the aggregate duration under paragraph 2 and retain the history of changes. Personal data unnecessary for verifying legality and secrecy protected by law shall not be published. Paragraphs 10-12 shall not apply to temporary assignment for a particular case under paragraph 3; paragraphs 3 and 9 shall remain applicable.”

§ 27. Article 307 is supplemented as follows:

1. In paragraph 3, items 5-8 are inserted:

“5. intentionally giving oral orders or instructions in cases and files in violation of Article 143(2);

BULGARIAN SOURCE PAGE 18 / 29

6. intentionally failing to comply with a statutory duty to certify in writing, register, or place in the case or file instructions, orders, and other acts of prosecutorial review;

7. intentionally violating the principle of random selection in assigning or reassigning a case or file, or intentionally concealing, destroying, or unlawfully altering information on such assignment or prosecutorial review exercised;

8. intentionally exerting pressure or engaging in unfavorable treatment in violation of Article 3a.”

2. Paragraph 7 is inserted:

“(7) The setting aside or amendment of a judicial or prosecutorial act, the delivery of an acquittal, or good-faith and reasoned professional disagreement in interpreting the law or assessing the evidence shall not in themselves constitute a disciplinary violation. This provision shall not exclude liability where a culpable violation under paragraphs 2 and 3 is established. The disciplinary body may not set aside or amend an act in a particular case or file, or give instructions on its determination.”

§ 28. Article 312a is inserted:

“Article 312a. (1) A report containing specific indications of a disciplinary violation received by a body or person under Article 312(1) shall be registered on the day of receipt or, if received outside working hours, on the first following working day. The reporting person shall be provided with the registration number and information on the competent body.

(2) Where the report concerns actions or omissions of its recipient, or circumstances exist giving rise to reasonable doubt about the impartiality of the person who is to conduct the inquiry, the report shall be sent within three days to another competent body or person under Article 312(1). A report against an administrative head shall not be assigned for examination to that head’s subordinate.

(3) In the cases under Article 54(5), the Inspectorate to the Supreme Judicial Council shall register the report and send it within three days to the Minister of Justice for assessment within the Minister’s power under Article 312(1), item 4. The referral shall not authorize the Minister to conduct inquiries or make decisions entrusted exclusively to another body.

(4) Within two months of receipt of the report, the competent body or person under Article 312(1) shall make a proposal to initiate disciplinary proceedings or notify the reporting person in writing that no grounds for such a proposal have been found. In cases of factual or legal complexity, the period may be extended once by no more than one month by a reasoned act of which the reporting person shall be notified before the original period expires. The special time limits shall apply to inquiries under Articles 175л-175о. Within three days of its dispatch, the reporting person shall also be notified of the proposal made. The time limits under this paragraph shall not exempt the competent body from the duty to take promptly the necessary actions to comply with Article 310.

(5) The notification that there are no grounds for a proposal shall contain the allegations considered, actions performed, facts established, and specific factual and legal grounds for the conclusion. Where relevant and verifiable circumstances have not been checked, the reasons shall be stated. Information shall be provided to an extent that does not disclose secrecy protected by law or personal data beyond what is necessary to understand the outcome.

BULGARIAN SOURCE PAGE 19 / 29

(6) The reporting person may submit the report, the notification under paragraph 5, and their objections to another body or person under Article 312(1). The previous refusal to make a proposal shall not bind that body or person. A renewed referral shall not change the commencement or running of the time limits under Article 310.

(7) Submission of a report shall not create a right to have a disciplinary penalty imposed or confer on the reporting person the status of a party to the disciplinary proceedings. It shall not stay or replace the appeal provided by procedural law in the relevant case or file.

(8) Where the report concerns a European Delegated Prosecutor, notification of the European Public Prosecutor's Office and the taking of disciplinary measures shall be subject to the conditions of Regulation (EU) 2017/1939."

§ 29. In Article 316, paragraphs 9 and 10 are inserted:

"(9) The relevant chamber or, for proceedings against a member of the Supreme Judicial Council, the plenary shall decide on a duly submitted proposal under Article 312 within one month of its receipt or, as applicable, the correction of irregularities under paragraph 2.

(10) A refusal to initiate disciplinary proceedings shall be issued in a written reasoned decision addressing the specific allegations and evidence submitted and stating the legal and factual grounds for refusal. Reference solely to the voting result or to general statements that do not address the specific allegations shall not substitute for reasons. The decision shall be notified to the person or body submitting the proposal and to the Minister of Justice."

§ 30. In Article 323(2), second, third, and fourth sentences are inserted: "The court shall rule within seven days on a request for a stay of execution that identifies specific indications of a violation of Article 3a. The court shall expressly address those indications when assessing the danger of substantial or difficult-to-remedy harm. The order shall not prejudice the dispute concerning the lawfulness of the disciplinary penalty."

TRANSITIONAL AND FINAL PROVISIONS

§ 31. (1) Within three months of promulgation of the Law, the plenary of the Supreme Judicial Council shall adopt the technical rules under Article 1436(5), and the Prosecutors' Chamber shall adopt the methodology under Article 140(7). Within the same period, the competent bodies shall bring the relevant secondary legislation and internal rules into conformity with the Law. Article 30(10) of the Judicial System Act shall apply where its prerequisites are met.

(2) The electronic register shall become operational within six months of promulgation. Until it becomes operational, the acts shall be retained in a separate chronological register and placed in the relevant case or file. Entries shall contain the information under Article 1436(2), the signature of the person making the entry, and a separate history of corrections. Access shall be provided under the conditions of Article 1436(4) and the special regime under Article 143a(6).

(3) The data created under paragraph 2 shall be entered in the electronic register within one month of its becoming operational. Lack of technical readiness shall not defer the duties concerning written form, reasons, registration, notification, and provision of access.

§ 32. (1) The new requirements shall apply to acts and actions after the Law enters into force, including in pending cases, files, and disciplinary proceedings. The new

BULGARIAN SOURCE PAGE 20 / 29

definitions of disciplinary violations shall not apply to conduct preceding the Law's entry into force.

(2) Within one month of the Law's entry into force, existing written acts containing hierarchical instructions and reassignments that have not been placed in pending cases and files shall be added to them. Documents shall not be backdated. Missing documents shall be described, stating the known circumstances and the actions taken to establish them.

(3) Failure to comply with a technical registration requirement shall not constitute an independent ground for invalidity of a procedural action performed. The procedural consequences shall be determined under the applicable law, without excluding inquiry into and liability for the violation.

(4) The period under Article 312a(4) for pending reports shall begin on the Law's entry into force. This shall not restore or extend the time limits under Article 310 or postpone a determination due earlier.

§ 33. (1) Requests and orders under Article 1456(1) issued before the Law enters into force, whose execution or direct interference with rights continues on that date, may also be challenged under Article 1456. The period for challenge shall be fourteen days from entry into force; if the act has not been notified and the person learns of it later, the period shall begin when they become aware of it under the conditions of Article 1456(2).

(2) Paragraph 1 shall not permit redetermination of a dispute resolved by a final judicial act or restore a period for challenge under another special judicial procedure.

§ 34. The first annual reporting under the new requirements shall cover the period following the Law's entry into force. The first technical verification under Article 1436(5) shall be performed within one year of the electronic register becoming operational.

§ 35. The Minister of Justice shall arrange an ex post impact assessment after three years of application of the Law, based on aggregate information from the Supreme Judicial Council, the prosecution service, the Inspectorate, and the courts. The assessment shall cover access to a court, the duration and results of proceedings under Article 1456, application of safeguards against improper influence, organizational consequences, and budgetary expenditure. The assessment shall be published on the website of the Ministry of Justice.

§ 36. (1) Within one month of the entry into force of this Law, the Supreme Judicial Council shall publish a record of all existing temporary assignments to vacant established posts, stating their starting dates and aggregate duration.

(2) Existing temporary assignments to vacant established posts whose aggregate duration on the entry into force of this Law exceeds 18 months shall end no later than six months after its entry into force. For the remaining existing temporary assignments to vacant established posts, the periods under Article 227(2) shall be calculated including the time already elapsed, but termination solely because the new maximum period has been reached shall not occur earlier than six months after this Law enters into force.

(3) Paragraph 2 shall not affect early termination on another statutory ground or the completion of cases where continuity of the panel is required under Article 227(9). After the applicable maximum period has been reached, no new cases shall be assigned on the basis of the expired temporary assignment. This section shall not extend the periods under Article 147(4).

BULGARIAN SOURCE PAGE 21 / 29

§ 37. (1) Within three months of promulgation, the plenary of the Supreme Judicial Council shall bring the rules on additional compensation into conformity with Article 218a. Within the same period, the competent bodies shall bring the rules on specialization and random-assignment pools into conformity with Article 9a.

(2) The new criteria for additional compensation shall apply to periods beginning after their publication and the Law's entry into force. They shall not retroactively change the conditions for work already performed or constitute grounds for repayment of sums lawfully paid. From the entry into force of Articles 3a and 218a until application of the new criteria, the prohibitions on improper influence, quotas, and retaliation shall apply directly. Assignments made before entry into force shall not be set aside solely because of the new requirements.

§ 38. The Law shall enter into force three months after its promulgation in the State Gazette, except for § 31(1) and § 37(1), which shall enter into force on the day of promulgation.

BULGARIAN SOURCE PAGE 22 / 29

EXPLANATORY MEMORANDUM

to the draft Law Amending and Supplementing the Judicial System Act

Reasons for adopting the Law

I propose the amendments as an independent proposal under Article 18(1) of the Law on Normative Acts. Their subject matter is the exercise of prosecutorial powers, protection against improper influence, and accountability for actions affecting citizens' rights. The draft supplements the drafts amending and supplementing the Criminal Code and the Criminal Procedure Code prepared by the same author. Its provisions are formulated in relation to the JSA in force and may be considered independently.

The legislative basis has been checked as of September 25, 2026, including the amendments in State Gazette No. 60 of July 1, 2026 and No. 69 of July 31, 2026. Account has been taken of the existing right to assistance of counsel during checks under Article 145(6), the restrictions on the Inspectorate under Article 54(5), and the amended judicial procedure under Article 36. The proposal does not reproduce already established rights and prohibitions as new ones.

Hierarchical prosecutorial review has a function of its own but does not provide external protection for affected persons in every case. Specific orders to provide information and documents, to appear, and to grant access are particularly important where they are issued outside formally initiated criminal proceedings and directly affect individual rights. The law needs expressly to define the subject matter and procedure of judicial review, rather than making access to a court depend on the classification of the act concerned as administrative.

The prosecutor's internal independence also needs practical safeguards. Article 143 already prohibits oral instructions and establishes requirements for written form and reasons. Without a complete history of interventions, verifiable grounds for reassignment, and protection against retaliatory personnel measures, however, proving a violation may be difficult. Specific duties of documentation, retention, access, and determination are proposed.

The conclusion that reform is needed does not presuppose the guilt of a particular magistrate or of the institution as a whole. The legislative intervention addresses the objective conditions conducive to improper influence and deficiencies in remedies. Establishment of individual liability remains subject to the statutory prerequisites, proof, the right of defense, and judicial review.

Objectives and substance of the proposed amendments

The main objective is that every material interference with rights through a prosecutorial power should have a defined statutory basis, verifiable reasons, and an accessible remedy. A further objective is that a magistrate's lawful professional position should not give rise to unfavorable personnel consequences.

A special judicial procedure is established for binding prosecutorial orders issued outside formally initiated criminal proceedings that directly affect individual rights or legitimate interests. Review is entrusted to the administrative court, with corresponding application of the Administrative Procedure Code, because of the subject matter of protection and the procedural mechanisms available. This express statutory allocation does not change the legal nature of the prosecutorial act. The court examines

BULGARIAN SOURCE PAGE 23 / 29

competence, the statutory prerequisites, reasons, purpose, and proportionality. It does not decide whether a particular person has committed an offense or exercise the prosecutorial function.

The right of complaint extends both to the addressee and to another directly affected person, including where information concerning that person is requested from a third party. An internal prosecutorial appeal is not a mandatory prerequisite. Provision is made for timely notification, access to relevant materials within a specified period even before a complaint is filed, a short period for interim protection, and preservation of the legal interest after the act has been executed. The subsequent initiation of pretrial proceedings does not extinguish the right to review of the earlier order. The special judicial remedies under the CPC and other laws remain applicable.

Checks under Article 145 are linked to specific statutory functions, a relevant subject matter, and a reasoned commissioning act. Restrictions are provided against restarting the same check to circumvent time limits, requesting manifestly irrelevant information, and using the general power as a substitute for judicial authorization. The right to assistance of counsel is supplemented by practical safeguards for notification and confidentiality. The possibility of timely lawful action where there are indications of an offense is preserved.

Hierarchical instructions and acts replacing a prosecutor are included in a verifiable documentary history. The author, grounds, content, time of issuance and notification, and subsequent changes are retained. A technical malfunction does not dispense with written form, but an interim procedure allowing urgent actions is provided. The absence of a technical record does not automatically invalidate all subsequent procedural actions; the consequences are assessed under the applicable procedural law.

A distinction is drawn between administrative reassignment, temporary substitution, and the exercise of a higher-ranking prosecutor's powers provided in procedural law. Professional disagreement alone is not a ground for removing a case by administrative means. At the same time, lawful review by a higher instance and official supervision are not deprived of effect.

Performance evaluation is based on quality, reasoning, timeliness, workload, and respect for participants' rights. The number of convictions or acts set aside cannot, on its own, predetermine the evaluation. Individual quotas for a particular procedural outcome are prohibited. This reduces the incentive to maintain an unfounded accusation or avoid complex proceedings solely because of the statistical result.

Disciplinary violations involving intentional unlawful intervention, manipulation of assignment or records, and retaliatory measures are specified. Liability is not introduced solely because an act has been set aside, an acquittal delivered, or a good-faith legal opinion expressed. Assessment of the particular conduct, culpability, and gravity of the violation under the JSA remains necessary.

For reports of disciplinary violations by judges, prosecutors, investigating magistrates, and their heads, provision is made for traceable receipt, reasoned determination, notification, and referral where there is a personal interest. The reporting person may also refer the matter to another person or body authorized to submit a proposal, but does not acquire a right to demand a particular penalty or the status of a party to the disciplinary proceedings. The restrictions on the Inspectorate under Article 54(5) are preserved. The one-month period for deciding whether proceedings should be initiated also covers the plenary in

BULGARIAN SOURCE PAGE 24 / 29

files concerning members of the SJC. This limits indefinite deferral of that assessment, including when the time limits are suspended under the new Article 310(5), item 3. The persons and bodies authorized to submit proposals and the majorities under the special procedure for Council members are not changed.

Annual reporting is supplemented by aggregate information on the duration of checks, acts set aside, compliance with judicial instructions, reassignment, and established organizational violations. Reports may not be used for political instructions in particular proceedings, public prejudgment of guilt, or disclosure of protected data.

Additional safeguards for the SJC, independence in personnel matters, and implementation of inspections

The European Commission's report on Bulgaria of July 17, 2026 continues to identify problems concerning the composition and term of office of the SJC, prolonged temporary assignments, the selection of prosecutors to investigate magistrates, and follow-up to indications of improper influence. At the same time, legislative improvements in 2026 are acknowledged, including nominations to the Inspectorate and the special mechanism concerning the Prosecutor General. These additions target the remaining statutory risks without presenting measures already adopted as new ones.

Articles 33-35 require an advance agenda, a single written act with verifiable reasons, comparative assessment in selection, and a record of each member's vote. Absence of a majority does not substitute for factual and legal grounds for refusal. A single written act is also required for disciplinary decisions under Article 320(7); reference to statements does not replace their express inclusion in the reasons. Conflicts are disclosed before participation, and a refusal to recuse is reasoned and reviewed when the final act is challenged. The possibility for the majority to exclude a Council member, declared unconstitutional by Decision No. 10 of November 15, 2011 in constitutional case No. 6/2011, is not reinstated. The allocation of judicial jurisdiction under Article 36 in its July 2026 version is preserved.

The new Article 9a protects random assignment at the stage of defining the eligible pool of magistrates. Merely recording the final result does not prevent preselection of participants for a particular case. Inclusion and exclusion require objective criteria, reasons, registration, and retention of the history. Arbitrary individual selection under the guise of specialization is not permitted in investigations of magistrates. Statutory competence, the special procedure concerning the Prosecutor General, and the independence of the European Public Prosecutor's Office are preserved.

Temporary assignment to a vacant established post is given an aggregate maximum period, a limited extension, open selection, and reasoned early termination. The distinction from the general regime under Article 227(1), as well as shorter periods for temporary assignments of prosecutors, is expressly preserved. The transitional period allows personnel procedures to be completed and does not impair continuity of the panel in cases already commenced. The methodology for selecting senior heads is announced in advance; candidates are given an opportunity to respond to adverse information. The chronological record of persons temporarily performing functions makes compliance with the statutory limit verifiable without extending it.

Article 218a covers additional compensation for results, specific tasks, and workload. Advance criteria, individual reasons, and aggregate reporting limit the possibility of using financial assessment as a means of pressure. The conditions of compensation for work already performed are not changed

BULGARIAN SOURCE PAGE 25 / 29

retroactively. The applicable judicial procedure for pecuniary rights is preserved.

Articles 58, 59a, and 140 link the inspection report to a responsible body, a deadline, verification of implementation, and a reasoned outcome. A distinction is drawn between inspections by the Inspectorate to the SJC and internal checks within the prosecution service. Specifically relevant materials are preserved while an inquiry is pending; physically sending the original does not justify denying lawful access to a copy. The prosecution service's official announcement of July 5, 2023 reports a lack of follow-up to findings from an internal check in 2020. The interim committee's report to the Judges' Chamber for the period February 20-May 20, 2024 documents difficulties in collecting materials, including reported archival destruction and the sending of originals to other bodies. These do not establish guilt with the force of a criminal judgment or prove that every instance of archival destruction was unlawful.

Protection under Article 3a expressly includes professional public criticism and participation in professional associations. The combined indicators of a concealed retaliatory purpose are also examined. The judgment of the European Court of Human Rights (ECtHR) in *Todorova v. Bulgaria*, application No. 40072/13, of October 19, 2021 is relevant to the protection of expression and the impermissible use of disciplinary authority for a different purpose. Confidential documentation of specific attempts at external influence preserves the right of defense and lawful contacts with attorneys; it does not create a duty to make secret recordings. The seven-day period for a decision on interim protection limits the risk of an irreversible retaliatory measure.

The time limit for appointing the special prosecutors and express judicial review of tacit refusal limit the possibility of blocking the mechanism through personnel decisions. Appointment remains with the Prosecutors' Chamber, while the competent Supreme Court of Cassation reviews the refusal under the current Article 36(3). The new Article 1736 ensures judicial review before execution of a challenged personnel suspension; in the event of an imminent serious risk, the court may allow preliminary execution. Suspension by operation of law where detention or house arrest becomes final, and measures ordered by a criminal court, are preserved. The two-year periods are not extended. The addition is coordinated with the independent exercise of the power to continue the investigation proposed in the CPC and with the Committee of Ministers' decisions of December 4, 2025 in *S.Z./Kolevi*. No exemption from criminal or disciplinary liability is created.

Limits of statutory measures and conditions for effective results

The composition and constitutional quotas of the SJC, constitutional terms of office, and election by the National Assembly are not changed by this Law. Necessary amendments to constitutional provisions should be discussed in a separate procedure, with due regard to the competence under Chapter Nine of the Constitution and the relevant case law of the Constitutional Court. The Law cannot guarantee the necessary parliamentary majority or replace a missing election with automatic appointment.

Expanding documentary traceability does not provide a new basis for continuing functions after a term of office has expired. The restriction under Article 54(5) is preserved and cannot be circumvented through an organizational inspection with a substantively prohibited purpose. The judgment of the Court of Justice of the European Union (CJEU) of April 30, 2025 in Joined Cases C-313/23, C-316/23, and C-332/23 requires a separate comprehensive assessment of the express legal basis, the precise limits of

BULGARIAN SOURCE PAGE 26 / 29

permissible activities, and their effective limitation in time. This draft does not in itself resolve the issue of the election that has not taken place or automatically declare all acts null and void.

Effective results require independent appointments, sufficient judicial and administrative capacity, secure information systems, timely expert examinations, and actual enforcement of judicial acts. Verifiable indicators include time limits for determinations, implementation of recommendations, the duration of temporary assignments, reasons for changes in assignment pools, and the results of judicial review. Neither the number of charges nor the number of convictions or disciplinary sanctions serves, on its own, as a target for successful implementation.

Constitutional rationale

The draft is based on Article 4, Articles 30-32, Article 56, Article 117, Article 121, Article 126, Article 127, and Article 132a of the Constitution. The prosecution service's position within the judiciary, the constitutional functions of the Prosecutor General, and the prosecution service's powers to direct investigations and maintain the prosecution are preserved.

Decision No. 11 of October 4, 2016 in constitutional case No. 7/2016 distinguishes prosecutorial acts performing constitutional functions from administrative acts and permits judicial review expressly established by law where individual rights and legitimate interests are affected. The new judicial procedure follows precisely that approach. General appealability of all prosecutorial actions is not derived directly from Article 120 of the Constitution.

Decision No. 3 of April 25, 2023 in constitutional case No. 18/2022 confirms that the powers under Article 145 JSA serve specific constitutional and statutory functions. The decision does not abolish checks and audits. The proposed restrictions specify their basis, subject matter, time limits, and proportionality without removing the statutory means of protecting the public interest.

Decision No. 11 of July 23, 2020 in constitutional case No. 15/2019 has been taken into account in distinguishing supervision of legality from the free formation of inner conviction. Review of a prosecutorial act for lack of substantiation is not prohibited. Hierarchical influence over a check or investigation concerning the Prosecutor General personally is not permitted. The special mechanism for these proceedings is preserved.

Decision No. 14 of July 26, 2024 in constitutional case No. 10/2023 supports the permissibility of express judicial safeguards and special statutory mechanisms for effective accountability, while preserving the prosecutorial function. Decision No. 13 of July 26, 2024 in constitutional case No. 1/2024 is taken into account by preserving Article 126(2) of the Constitution as currently in force. The draft does not seek to effect, through an ordinary law, a change requiring an amendment to the Constitution.

The public-accountability requirements are consistent with Decision No. 6 of June 6, 2017 in constitutional case No. 15/2016. Aggregate analyses do not confer on the National Assembly, the Minister of Justice, or another external body a power to determine the actions and outcome in a particular file or case.

Financial and other resources for implementation

The draft does not create a new state body. Implementation is entrusted to existing bodies within their statutory competences. Resources will be needed to enhance

BULGARIAN SOURCE PAGE 27 / 29

information systems, securely store and archive records, manage access, provide training, and handle the new judicial proceedings.

Expenditure should be planned within the judiciary's budget and the relevant budget programs of the competent bodies. One-time costs include analysis of existing systems, development, integration, testing, security assessment, and training. Recurring costs include maintenance, storage, technical audits, and the necessary administrative capacity. The additional workload of the courts depends on the number of orders subject to challenge and complaints actually filed; it must be taken into account in allocating resources.

A reliable quantitative estimate requires information from the commissioning authorities on existing technical contracts, necessary modifications, storage volume, and the number of orders affected. The draft has a budgetary impact that cannot be characterized as zero. In preparing a government draft law, the Ministry of Justice should obtain this information and the estimates from the Supreme Judicial Council, the prosecution service, and the courts and prepare the financial rationale and the ex ante impact assessment under the Law on Normative Acts. This proposal identifies the types of costs and the necessary baseline information without attributing to the competent bodies a quantitative estimate they have not prepared.

The preparatory period provided allows for the adoption of technical rules and training. The interim documentary procedure ensures that the protective provisions remain applicable even if technical implementation is delayed. Organizational measures also take account of the current requirement under Article 30(10) JSA for coordination of changes to information systems under the conditions stated therein.

Expected results and evaluation

More complete reasoning of prosecutorial orders, effective access to a court where rights are directly affected, better ability to prove improper interventions, and a reduction in opaque reassignment are expected. The safeguards are directed both at persons seeking protection against crime and at persons being checked and magistrates lawfully exercising their powers.

Results should be measured by the duration of checks, the number and grounds of complaints filed and upheld, the time taken to provide interim judicial protection, compliance with registration duties, the number of reassignments by ground, reasoned consideration of reports, and actual workload. No target values are set for convictions or disciplinary penalties.

The risk of additional administrative burden is limited by using existing systems and common technical standards. The risk of delaying lawful actions is limited by distinguishing binding orders from preparatory actions and by the rules on interim protection. Personal data are protected through restricted access, access accountability, retention periods, and anonymized public reporting.

An ex post assessment after three years of application is provided. Legislative safeguards cannot, on their own, eliminate every abuse, but they create specific means of preventing, establishing, and remedying violations.

BULGARIAN SOURCE PAGE 28 / 29

Compliance with European Union law and the European Convention

The draft takes account of the right to effective remedies and a fair trial, the presumption of innocence, the right of defense, and protection of personal data. Articles 7, 8, 47, and 48 of the Charter of Fundamental Rights of the European Union are relevant within the scope defined by Article 51 of the Charter. It is not asserted that every internal organizational measure in itself constitutes implementation of Union law.

Public reporting and personnel evaluation take account of Directive (EU) 2016/343, including the prohibition on publicly presenting as guilty a person whose guilt has not been established according to law. Protection of rights during checks cannot be circumvented through the formal designation of the action or by deferring the person's procedural status.

The independence of the European Public Prosecutor's Office under Regulation (EU) 2017/1939 is respected. National bodies do not acquire powers to give instructions, reassign its cases, or exert disciplinary pressure on the performance of its functions. Judicial review provided in Article 42 of the Regulation and applicable national procedural law is preserved.

Registration and access to data take place in compliance with the applicable regime under Regulation (EU) 2016/679, Directive (EU) 2016/680, and the Personal Data Protection Act, according to the purpose and nature of the processing. Public reporting does not mean public disclosure of evidence, professional secrecy of attorneys, protected identities, or other information protected by law.

Articles 5, 6, 8, and 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms are relevant, as are the procedural obligations under Articles 2 and 3 in investigations of serious violations. In its judgment in *Kolevi v. Bulgaria* of November 5, 2009, application No. 1108/02, the ECtHR examines the need for independent and effective investigation where the involvement of senior prosecutors is alleged. That judgment supports the need for effective safeguards against dependence without prescribing a single organizational model.

This analysis is part of the Explanatory Memorandum to the private legislative proposal. When a government draft law is prepared, the procedural requirements of the Law on Normative Acts concerning impact assessment, public consultations, and a statement of compliance with the Convention and the ECtHR's case law must also be met.

Consistency with the proposals concerning the CC and the CPC

The draft does not repeat the amendments to Article 9 and Article 145(2) JSA included in § 63 of the prepared draft amending and supplementing the CPC. It does not rely as a necessary prerequisite on the new articles of the CC or CPC in the other two drafts. Accordingly, its consideration is not contingent on their prior adoption.

If the three drafts are considered together in the legislative process, their entry-into-force periods and technical implementation should be coordinated. Judicial review under this draft concerns specific binding orders issued outside formally initiated criminal proceedings; review of refusals to initiate proceedings, termination, suspension, and procedural actions in initiated proceedings is governed by the CPC.

BULGARIAN SOURCE PAGE 29 / 29

Legislative sources and case law

1. Constitution of the Republic of Bulgaria, Articles 4, 30-32, 56, 117, 121, 126, 127, and 132a.
2. Judicial System Act - consolidated text of the Ministry of Justice, including the amendments in State Gazette Nos. 60 and 69 of 2026.
3. Law on Normative Acts, Articles 18, 20, 26, and 28.
4. Decision No. 11 of October 4, 2016 in constitutional case No. 7/2016.
5. Decision No. 6 of June 6, 2017 in constitutional case No. 15/2016.
6. Decision No. 11 of July 23, 2020 in constitutional case No. 15/2019.
7. Decision No. 3 of April 25, 2023 in constitutional case No. 18/2022.
8. Decision No. 13 of July 26, 2024 in constitutional case No. 1/2024.
9. Decision No. 14 of July 26, 2024 in constitutional case No. 10/2023.
10. Regulation (EU) 2017/1939 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office, in particular Articles 6, 17, and 42.
11. Charter of Fundamental Rights of the European Union, Articles 7, 8, 47, 48, and 51.
12. Directive (EU) 2016/343, in particular Articles 4 and 7.
13. ECtHR - Kolevi v. Bulgaria, November 5, 2009, application No. 1108/02, §§ 192-209; HUDOC case record.

Additional sources for the verification of September 25, 2026:

1. European Commission, SWD(2026) 902 final, report on Bulgaria of July 17, 2026, pp. 4-10.
2. GRECO, GrecoRC4(2019)24, published on January 17, 2020, historical Fourth Round assessment, §§ 22-27; not a new 2025 report on the SJC.
3. Constitutional Court, Decision No. 10 of November 15, 2011, constitutional case No. 6/2011, concerning Article 35(3) JSA.
4. Constitutional Court, Decision No. 6 of April 7, 2026, constitutional case No. 2/2026, concerning the statutory limitation on temporary performance of functions.
5. SJC, interim report of the interim committee, February-May 2024, pp. 4 and 7.
6. SJC, rules on additional employment compensation, version of April 24, 2025, Articles 3, 6, and 9.
7. CJEU, judgment of April 30, 2025, Joined Cases C-313/23, C-316/23, and C-332/23, ECLI:EU:C:2025:303.
8. ECtHR, Todorova v. Bulgaria, No. 40072/13, October 19, 2021.
9. Committee of Ministers, materials and decision of December 4, 2025 in S.Z./Kolevi, officially published unofficial translation, adopted decision at pp. 7-8.
10. Venice Commission, CDL-AD(2017)018, §§ 86-87 concerning temporary assignment.
11. Prosecutor's Office of the Republic of Bulgaria, announcement of July 5, 2023 concerning the information sent to the SJC on the 2020 check.

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