

REPORT
ON THE ACTIVITIES OF THE BULGARIAN JUDGES ASSOCIATION
in the period November 2012 – October 2013

I. INTERNAL ORGANISATIONAL DEVELOPMENT

1.1 Membership

BJA has 945 registered members. During the reporting period 21 new members joined the organisation. Two new sections in Ruse and Razgrad were established.

1.2. Project financing

During the reporting period the BJA implemented the following projects:

- The activity of the organisation remained funded primarily from project “Strengthening of the capacity and solidarity of the community of judges” financed by the America for Bulgaria Foundation. The project is to be implemented over a period of two years (2012-2014) and has a budget of 420 000 BGN.

- The BJA is an associated partner under the EPOGENDER Project financed by the European Commission and implemented by the Autonomous University of Barcelona, the University of Tarragona and the University of Szczecin in Poland.

Grant applications have been submitted under the following projects:

Project: OLAF investigations for a more efficient judiciary in protection of the financial interests of the EU

Donor: OLAF

Application submission date: 30 April 2013

The BJA has applied for the implementation of two closely linked sub-activities – practical and analytical. From a practical point of view, six training events for judges have been planned, which will cover topics such as the structure, role and impact of OLAF investigations on the Bulgarian judiciary and the use of OLAF investigation material as evidence at the trial phase. The training events are planned to take place in the five appellate judicial districts in Bulgaria with the participation of 170 judges.

From an analytical point of view, the BJA will conduct a comparative study of the good case-law practices in the area of financial fraud, the punishments imposed for VAT fraud, the use of evidence in fraud trials, OLAF practice and EU Member State case-law in the area of financial fraud. The study will focus on two countries (Germany and Lithuania) and their experience in combating fraud, including the deterrent effect of judgments. A key element will be the analysis of the relevant Bulgarian legislation and case-law in the area of crimes against EU funds in the period following the country’s accession to the EU in 2007 to date.

One hundred and fifty copies of the study will be printed and disseminated to the relevant institutions. The methodology of the study will include a working visit to the head offices of OLAF, EUROJUST and the EP Anti-Mafia Committee whose aim will be to gather and exchange in-depth information.

A final press conference will be organised during which the results and achievements of the project will be presented.

2. Project: The price of custodial arrest: critical evaluation and perspectives for custodial arrest alternatives

Donor: European Commission, Criminal Justice Programme

Date of submission of application: 30 May 2013

The project will address the following issues:

1. Lack of a critical appraisal of the preliminary custodial arrest measures enforced in Bulgaria;
 2. Proposal setting out a description of alternatives to custodial arrest;
 3. The need for specialist training of judges in these areas;
 4. Lack of consistency in the enforcement of custodial arrest and of systematic feedback on the public effect of detention;
 5. Need to improve cooperation between magistrates in the EU Member States in line with the conclusions set out in the 2011 European Commission Green Paper on detention;
- The aims of the project are set out below:

1. Compiling information and critical assessment of existing case-law in Bulgaria in respect of the preliminary and subsequent detention;
2. Identifying good practices and standards relevant to preliminary and follow-up detention as a measure for the prevention of recidivism rates;
3. Improving the expert and practical knowledge of Bulgarian judges of the application of criminal law in the area of detention in accordance with the ECHR;
4. Promoting better understanding of the degree to which detention matters may have an impact on mutual trust, mutual recognition and judicial cooperation within the EU;
5. Identifying legislative initiatives for the development of policies for the introduction of alternatives to custodial arrest and detention;
6. Preparing the transfer of applicable new skills and methodologies for the implementation of alternatives to detention in neighbouring countries in the Balkan region in the framework of a follow-up alternative.

3. Project: Implementation of new forms of assessment of the quality of work of judges and training of judges (ECHR case-law as an instrument for the professional and career development of judges)

Donor: NGO Fund in Bulgaria financed by the EEA Financial Mechanism

Date of submission of application: 1 April 2013

The initiative includes the following components:

1. Development of mechanisms that allow the opinion of citizens who have used the services of courts, lawyers, prosecutors and other legal and non-legal professionals that

closely liaise with judges such as court clerks, court secretaries etc. to be taken into account;

2. Development of a mechanism that enables the receipt of feedback on the standard of work of junior judges conducting trials in the lower courts (municipal and district) by their senior colleagues through analysis and appraisal of their judgments;

3. Developing a format for compiling summaries of ethical and integrity challenges encountered by judges; their discussion and the development of standards for professional conduct on this bases to be used as learning aids in the process of training young judges and a benchmark against which their professional conduct and integrity are to be appraised;

4. Developing a methodology for studying and identifying the reasons for the violations of fundamental human rights, which have ultimately resulted in sentencing judgments and settlements of the ECHR enforceable against Bulgaria with a focus on those due to deficiencies in the work of the bodies of the judiciary;

5. Developing a training module on the basis of the summaries envisaged in point 4 and of a methodology for the incorporation of the conclusions drawn in the comprehensive assessment of the standard of professionalism of judges for the purposes of their performance evaluation by the SJC and the pilot testing of the performance evaluation of judges on the basis of the quality of their work as a voluntary exercise.

The individual components are interrelated and will be implemented on a voluntary basis with the aim of supporting (as opposed to sanctioning) judges.

4. Project: Creating a favourable environment for an independent judiciary in Bulgaria

Donor: The Embassy of the Kingdom of the Netherlands

Date of submission of application: July 2013

Project goals:

1. Improving the efficiency of justice administration;

2. Improvement of the regulatory framework setting out the structure and organisation of the work of courts and individual judges;

3. Improvement of the administrative capacity of the Supreme Judicial Council to govern the organisational arrangements for the functioning of courts;

4. Raising the level of trust and enhancing cooperation between Bulgarian and Dutch judges through exchange of experience on the basis of established traditions;

5. Further strengthening of the process of capacity building of the BJA. Some of the expected outcomes are set out below:

1. Transfer of information, knowledge and good practices relating to the management of caseload, addressing and overcoming the difficulties encountered by judges in their daily work; defining an individual caseload for individual judges and courts; setting in place measures that ensure an even and balanced caseload and overcoming excessive caseload in the work of individual judges and their budget implications;

2. Comparative study of the disciplinary proceedings against judges in the Netherlands in the context of seeking solutions for overcoming the deficiencies of disciplinary proceedings against judges in Bulgaria in line with the international standards for court independence;

3. Development of a training system for judges and law students in a new law subject – structure and organisation of the judiciary – that will cover all aspects of the legal status of judges, the possibilities for career development and strengthening of their independence as a result of the improvement of their personal competence of the duties of their office, the requirements for the administration of court affairs and the boundaries of admissible supervision of their work;

4. Commencement of joint work on conducting a comparative analysis of the legal framework of the Netherlands and Bulgaria from the perspective of ECHR standards and case-law and the standards of the Venice Commission and the CCEJ in respect of:

- status of the judge; creation, modification and termination of the legal relationship;
- criteria for the professional evaluation of the performance of judges;
- criteria for the evaluation of court judgments;
- grounds and procedure for the levying of disciplinary sanctions;
- analysis of the activity of the Inspection Service of the Supreme Judicial Council (ISSJC) – legal framework and practice – defining the limits of external supervision of the work of judges without prejudice to their independence; possibility to raise the efficiency of the activities that support and facilitate justice administration (court governance and the administration of the affairs of the judiciary);
- practical rules on cooperation between the courts in EU Member States in specific cases.

5. Guide setting out the practical analysis of the outcomes achieved under points 1, 2 and 3, which can be used as a basis for the development of a training course for law faculties and included in the curriculum of the National Institute of Justice.

6. Court Management Guide compiled on the basis of the conducted analysis and a systematic appraisal of the rules and requirements in force in Bulgaria etc.

5. At the beginning of October 2013 the BJA became an associated partner of the Craiova Appellate Court (Romania) in connection to two project proposals submitted to the European Commission for financing under the Criminal Justice Programme:

1. Project: Discrimination – legal and sociological approach

The focus of the project is the organisation of workshops with the participation of ECJ judges in two main areas:

- training on the rights, freedoms and principles laid down in the European Union Charter of Human Rights, and in particular non-discrimination (Article 21); dignity (Article 1); right to education (Article 14); and the freedom to choose an occupation and the right to engage in work (Article 15);
- consolidation of knowledge in the area of legal sociology and better understanding of the mechanisms underlying this social phenomenon in human group relations. The training of judges in these areas will have a positive impact on the work of judges and the quality of justice in general. The topics, which this project addresses will include aspects of the content of the rights laid down in the EU Charter,, EU anti-corruption law, international instruments on non-discrimination and European case-law.

2. Multidisciplinary approach to the rights of the victims of crimes in criminal proceedings

The aim of the project is to provide relevant multidisciplinary training opportunities for magistrates who work with victims of crimes and raise their awareness of their needs whilst raising the level of specialist knowledge of the professionals involved in criminal proceedings.

The project attempts to address the issue of following an integrated approach to working with the victims of crimes in the framework of criminal proceedings, including through a psychological point of view, thereby ensuring a full set of instruments and methods.

1.3 Membership fees

The trend towards a partial and irregular payment of membership fees, which is the principal mechanism by which fees are collected, remains the prevailing trend. The rate of collection of membership fees during the reporting period stood at 22.48 percent.

1.4 Administration: During the reporting period the BJA retained the internal positions of project coordinator, technical assistant and an accountant, which are financed by project funds.

- The BJA Managing Board (MB) adopted a decision to alter the requirements for the technical assistant position with a view to ensuring that the MB relies on efficient assistance in the process of submitting applications for and managing international projects. To ensure the achievement of this goal, the incumbent must have excellent knowledge of English and experience in the development of project applications and documentation. This is the reason why the employment contract concluded with Stefka Tsutseva was terminated and Ekaterina Baksanova was hired.
- A record of all decisions adopted by the BJA Managing Board is kept. The recent ones have been published on the webpage of the association;
- Financial records of are kept of paid membership fees;
- An accounting firm has been hired, which handles all aspects of financial reporting in accordance with project requirements and draws up a consolidated balance sheets and financial reports in respect of all financial transactions of the BJA.

1.5. Webpage

A project to update the BJA webpage was implemented. As a result, the structure of the webpage has been altered, new sections were added and the scope of theoretical reference materials significantly expanded to include up-to-date materials on the progress achieved in developing a standards for the workload of magistrates and the evaluation of their performance, the requirements for budgeting in the judiciary and writing books and other materials intended for publishing, a table for the calculation of court fees has been developed and a platform for the publication of codes and laws, descriptions of the history of different institutions etc. was also integrated.

A new section where notices of training events overseas are published has also been added.

There all comment fields below each section in which registered users can leave feedback.

A key word or phrase search facility has also been integrated.

There is a possibility to upload photographs and videos.

The website is an open platform and allows new sections to be added.

All information published on the BJA webpage to date has been migrated onto the new one.

The BJA webpage upgrade has been handled by the administrative team.

1.6. BJA profile in Facebook –during the reporting period the BJA Facebook profile continued to be maintained by Ekaterina Nikolova, with regular updates about different BJA activities and news from the judiciary. The profile has more than 900 registered users.

1.7. The Judicial Newspaper continued to be published under the guidance of an editorial team composed of Ivan Georgiev, Vasil Petrov, Emanuela Balevska and Elena Avdeva. During the reporting period issues 3/2013 and 4/2013 were published. The newspaper is published on the BJA website and sent to all of its registered members.

II. ACTIVITIES IN SUPPORT OF THE INDEPENDENCE OF THE JUDICIARY

–better quality of justice administration and the governance of judicial affairs and developing a standard for the workload of judges:

Policy of the MB in protection of the independence of the judiciary

2.1 The SJC model and administration of the affairs of the judiciary

1. In November 2012 the BJA MB responded to the crisis that yet again undermined public trust in the judiciary in the wake of the so-called *Markovska scandal* by sending an appeal to the SJC. E were convinced that the questions raised by citizens and the media must be answered honestly, convincingly and competently from a legal standpoint, hence our insistence that the SJC conducts an inspection to address the following issues:

The manner in which the principle of random case assignment and the selection of the members sitting on the panels of the Supreme Administrative Court (SAC) and whether there are any possibilities to influence the outcome of proceedings and trade in influence; The allocation of justice administration functions and the competence of the different sections of the SAC to hear cases belonging to different branches of law.

With regard to the ethical implications of the responsibility of judges for the visibility of their personal life, a clear definition is needed that will set the boundaries of permissible public interest in and attention to the private life of judges and the requirements for decency and integrity, particularly in the context of participation in procedures for the election to high judicial office, which naturally attracts a great deal of attention from the media. It should specifically be clarified whether full or partial disclosure is permissible;

We have called on the SJC to conduct an inspection on the progress of all pretrial proceedings against unknown perpetrators conducted on the basis of information implicating judges, prosecutors and investigating police officers with a view to ascertaining the degree of independence of the prosecution service and limit the possibility to place magistrates in a position of dependence.

2. On 7 December 2012 we sent a letter to the SJC requesting that a financial report setting out the legal rational and feasibility considerations underlying the spending of the budget of the judiciary be published in relation to its decision to amend the 2012 budget

in order to ensure that the salaries of magistrates for the last month of 2012 be paid as planned and that the judiciary continues to function until the end of the calendar year. We have called for the disclosure of information about the actual state-of-play of the budget of the judiciary; whether there are any differences between the planned budget and actual disbursements; and whether the SJC has spent any funds that have not been planned or earmarked in the budget in advance. A number of questions were posed concerning the specific measures taken during the budgeting procedure and the disbursement of the 2013 budget with a view to precluding a repeated shortfall and subsequent difficulties in the work of the bodies of the judiciary. We also requested information about the reasons for the significant increase in the expenditure of the SJC and the measures, if any, that have been taken to optimise the disbursement of the budget of the judiciary next year.

In our letter we recalled the specific proposals on the strengthening on the institutional financial independence of individual courts by means of rectifying the recurrent deficiencies in the process of management of the judiciary budget that we have previously made.

3. In connection to the interview of the Minister of Finance Simeon Dyankov on the Hallo Bulgaria Programme of NOVA TV on 11 December 2012, we responded strongly by categorically opposing the division lines drawn between judges, prosecutors and investigating magistrates and society and insisted on a public apology to the judicial community.

4. We have also responded to yet another police operation named after a judge from Veliko Tarnovo (M.I.L.E.V).

5. On 22 January 2013, the BJA along with ten other leading non-governmental organisations working in the area of justice administration published a Summary Assessment of the State-of-Play of the Judiciary.

6. On 28 February 2013 the BJA organised and hosted the international conference *For a New Model of the Judiciary. Measures for the Strengthening of the Independence and Responsibility of Judiciary Bodies*. The conference was a continuation of the efforts of the BJA to promote a serious, expert debate on the true agenda of judicial reform. Some of the most intractable problems of the judiciary were discussed through the prism of the international standards for independence and efficient management of the judiciary with a focus on our joint efforts to overcome them.

The conference was attended by more than 100 participants and several special guests of honour, including Gerhard Reisner, President of the International Association of Judges and Chair of the Consultative Council of European Judges, Mrs. Dana Garbovan – Member of the Managing Board of the Romanian National Association of Judges, Mr. Joeri Tavanier, representative of the European Commission in Bulgaria, representatives of professional associations and the leading non-governmental organisations working in the area of justice, members of the academic community, justices of the Constitutional Court, legal professionals from different political parties and journalists.

Due to the significant interest in the conference on the part of non-governmental organisations on 16 March 2013 the BJA organised a discussion dedicated to **Civil participation and the independent judiciary: the intersecting point of public expectations and the necessary reforms in the judiciary**, which was attended by more than 30 representatives of civil society, non-governmental organisations and journalists.

7. Due to the failure on the part of the BJA to respond to the audio files leaked to the media that contained conversations between the former Prime Minister Boyko Borisov, the former Minister of Agriculture Miroslav Naydenov (indicted at the time when the conversation took place) and the then Head of the Metropolitan Prosecution Service Nikolay Kokinov and the subsequently leaked conversations between magistrates (prosecutors, an SJC member – Kamen Sitnitsky and a judge), which yet again called into question the legitimacy of the selection and appointment of SJC members and the career development of magistrates, we requested that the SJC conducts a detailed, in-depth and honest appraisal of the conversations that were leaked in the media in order to pinpoint the problems and respond to the following issues:

- whether any SJC members, prosecutors, judges and investigating magistrates are dependent on covert centres of power;
- what the underlying decision-making process is;
- what the results of the inspection carried out on the cases handled by Mr. Kokinov are (following a comprehensive assessment of each instance in which he was involved in different cases to the extent to which information published in the media that he had reported the outcomes of the investigations conducted against media owners to the Prime Minister remained unaddressed);
- what the career path of the remaining implicated magistrates was and whether they are independent;
- what measures the SJC intends to take to convince judges and prosecutors that the outcome of the competitions for court presidents and heads of prosecution services are not predetermined and that magistrates should take part in them because they would be judged on merit and not on the basis of undue influence from high office.

8. In respect of the expiry of the constitutionally prescribed term of office of the Prosecutor General in January 2013, which opened a vacancy for the position, and the continued attendance by Mrs. Karaivanova in SJC meetings, at the beginning of October 2013 we appealed to the National Assembly to initiate a procedure for the appointment of a new Inspector-General and invite applications from candidates of unblemished reputation and proven professional and personal integrity to preclude any doubts of political influence on the work of the Inspection Service. In this context, we also insisted on an analysis being conducted (on the basis of the annual reports drawn up by the Inspection Service) of the priorities of the body to serve as a reference point for the concepts to be presented by applicants.

9. We have also responded to the following cases of which we were notified:

- a letter received from our colleagues from the Smolyan District and Regional courts concerning a serious breach of the independence and tarnishing of the image of the judiciary by SCAT TV (Parallax Programme) broadcast on 13 April 2013;
- letter received from the Petrich regional Court with a copy to the Prime Minister concerning problems with the building housing the court;
- issues with implications for the building of Sofia Regional Court.

During the year the BJA conducted its activities by means of drawing up public opinions and open letter and making statements, which were broadly publicized in the media and uploaded on the BJA website.

2.2 Along with the activities dedicated to protection of the independence of the judiciary, the organisation was equally concerned in the protection of **specific occupational rights and interests of the community**, attempting at all times to respond to emerging problems in a timely manner, including in areas relevant to the administration of justice, career development and the functioning of the judiciary.

1. The focus in the work of the association was placed on **expert involvement** – expressing opinions on draft laws and the organisation of different training events:

- A working group of the BJA has drawn up a proposal on the rules for competitions for junior judges and prosecutors, initial appointments and promotion and for the secondment of judges, prosecutors and investigating magistrates, which has been submitted to the SJC;
- Borislav Belazelkov, Svetla Tsacheva, Kapka Kostova, Tanya Marinova and Vesislava Ivanova participated in the working groups to the Ministry of Justice tasked with the amendments to the Judiciary Act, the Civil Procedure Code, the Criminal Procedure Code and the Administrative Procedure Code;
- Tanya Marinova, Vesislava Ivanova, Atanas Atanasov and Borislav Belazelkov participated in the meetings of the Civil Council to the SJC and presented the BJA proposals in the context of the development of judiciary reform strategies and for the purpose of ensuring they are monitored objectively;
- On 26 and 27 June 2013 Stanislav Tsvetkov participated in the Conference “Listen to the Child”, which was organised by the Social Work and Policies Institute.

2. BJA representatives participated in the meetings of the Civil Council to the SJC, actively contributing to a broad range of discussions. Their opinions and positions were subsequently published on the BJA webpage. These concerned:

Rules of procedure for the selection of nominees for the position of chairman of the Supreme Court of Cassation, Supreme Administrative Court and Prosecutor General.

Rules on the selection and appointment of administrative managers of judiciary bodies under Article 167(1)(2) and (4) of the Judiciary Act.

The statements of disclosure of the origin of funds used for the acquisition of property filed by applicants for the position of administrative manager of judiciary bodies;

Rules on transfer under Article 194 of the Judiciary Act;

Rules on the secondment of judges, prosecutors and investigating magistrates;

Rules on conducting competitions for junior judges and prosecutors and on the initial appointment, promotion and transfer of judges, prosecutors and investigating magistrates;

Rules laying down the conditions, procedure and criteria for the incentives and other benefits judges, prosecutors and investigating magistrates are entitled to.

3. Wherever a practical problem occurred we consistently strived to notify the SJC to ensure that the necessary action was taken for the equitable application of adopted rules.

- Thus, in February and March 2013 we submitted an opinion on the secondment of judges, the performance evaluation model and competitions, which set out several specific proposals;
- We further notified the SJC of certain controversies with implications for the random selection of court decisions in the context of the procedure for the submission of applications for transfers to regional courts;
- In May 2013, we submitted an opinion in connection to the delay in conducting promotion and transfer competitions;
- In May we requested information from the SJC about the analysis that has been conducted to date of the necessity to restructure the administration of the judiciary and explained the difficulties encountered by courts in the course of their daily work, which result from the suspension of competitions for the appointment of court clerks. In July 2013, jointly with the National Association of Court Clerks, we sent a letter to the SJC setting out a proposal to desist from reducing the number of positions available within the judiciary and attempting to transfer employees whose positions have or are about to become supernumerary to other vacant positions within the judiciary, which will ensure the system will retain valuable and skilled staff who will be channeled to courts and prosecution services that handle a high workload.

4. In April 2013, jointly with the Bulgarian Prosecutors Association, we voiced our concern before the SJC in respect of the inadequate level of protection of the social rights of magistrates in case of temporary work incapacity due to illness or accident. We were convinced that the current insurance contract that provides coverage to magistrates and court clerks (Contract No 45-06-009) of 22 February 2012, which was concluded between the SJC and the General Insurance Company Zastrahovane) does not provide adequate coverage of the most common insurance risks. We have requested copies of all copies of insurance contracts that provide cover to magistrates and court clerks in case of an accident concluded in the period 2005-2012 included, and information about competitor offers received prior to the signature of the insurance contract with GIC Zastrahovane; we have further requested information about the methodology (needs assessment) used to determine the conditions of the public procurement tender, and more specifically those relevant to the compensation paid in case of temporary loss of work capacity or illness.

5. The groups tasked with developing a standard for the workload of judges continued to work actively:

- Between 8 and 10 February in Sofia the third meeting of the working group on workload took place in Bansko. It was attended by 20 judges from 11 courts in Bulgaria and by Kalin Kalpakchiev, SJC member and Chair of the Committee responsible for the analysis and determination of the workload of judiciary bodies. The participants discussed the summary statistical codes for the institution of court proceedings at all levels of the judiciary and reached an agreement on the content of the survey. The possibility to fill out the survey in an electronic format by use of specialist software dedicated for this purpose by a statistician was also discussed.

- Between 12 and 13 April 2013 the fourth meeting of the working group on the workload of judges took place in Sofia. It was attended by 16 judges from 9 courts. At the meeting the general requirements for conducting the survey were approved, notably: identifying the different case categories, the methodological principles underlying the survey; the manner in which the survey cards are to be completed and the complexity ratings of the different types of cases. The summary codes were also approved;
- The BJA representatives Albena Boneva, Lada Paunova and Vesislava Ivanova participate in the working meetings of the SJC Committee responsible for the analysis and determination of the workload of judiciary bodies.

6. Training events for the professional community

- On 17 December 2012 a lecture was delivered by Professor Ekaterina Trendafilova as a joint initiative of the BJA and the Supreme Bar Association, which was dedicated to the 10th Anniversary of the International Criminal Court;
- In December 2012 and in March and October 2013 3 meetings of junior judges (alumni of the NIL in 2005, 2006, 2007, 2008, 2009 and 2010) were organised. The meetings were attended by more than 100 junior judges from courts throughout Bulgaria. Talks were delivered as a part of these events by Krasimir Vlahov, Miroslava Todorova, Kalin Kalpakchiev, Hripsime Magardichyan, Svetla Kalinova and Rumén Petrov – a lecturer at the New Bulgarian University;
- Between March and October 2013 the BJA organised workshops for the professional community in Vidin, Sofia, Razgrad, Ruse, Blagoevgrad, Smolyan, Lovech and Varna. The topics of interest had been selected by the participating judges in advance. The trainers were Borislav Belazelkov, Svetla Tsacheva, Miroslava Todorova, Atanas Atanasov, Krasimir Vlahov, Valya Rushanova, Nelly Kutzkova, Ivan Ranchev, Stilyana Grigorova, Metody Lalov, Kalin Kalpakchiev, Vladimir Valkov, Professor Vasil Mrachkov, Rumén Petrov (lecturer at the New Bulgarian University); Georgi Dimitrov (attorney-at-law), Silvia Velikova, Dimitar Abrashev (journalists);
- On 18 October 2013 the workshop **Right to asylum and criminal liability**, organised jointly with the Bulgarian Prosecutors Association, took place.

III. INTERNATIONAL WORK OF THE BULGARIAN JUDGES ASSOCIATION

1. During the reporting period the BJA continued to actively participate in the IAJ, including its section in Europe (EAJ) as a full-time voting member. At all meetings the BJA was represented by Justice Nelly Kutzkova who attended the following events covering her travel, accommodation and subsistence costs:

1.1 The regular meeting of the EAJ took place between 23 and 25 May in St Gallen, Switzerland. The BJA was represented by Justice Nelly Kutzkova. In addition to a report on the activities of the EAJ in the previous year, certain issues encountered by national associations were discussed. A resolution addressed at the national governments was adopted, which insistently recalls the established European standards on court independence. An appeal addressed at the European Commission and the Council of Europe was approved. It states that 14 years after the European Council Tampere Decision to establish a European area of freedom, security and justice, the European

institutions have made a significant effort creating a broad range of legal instruments for international judicial cooperation. At the same time, the EAJ notes that the situation of judges in the different countries, their economic standing and the independence of the courts they work for, the physical condition of court buildings have been consistently neglected by both EU institutions and the national governments. The appeal sets out an approval of the European Justice Scoreboard set up by the European Commission in March 2013 by which the Commission recognises the importance of justice for economic growth and wellbeing. A proposal is made for the EAJ to join the work carried out on the scoreboard and that its scope is expanded in two areas: (1) the importance of justice not only from an economic standpoint but also in terms of family, employment and criminal matters; and (2) establishing European legal principles in respect of the independence and social status of judges and prosecutors so that the matter does not remain solely in the hands of national parliaments whilst the opinions of the European Commission under the Justice Scoreboard are taken on board and integrated into national law.

In parallel to the agenda of the EAJ meeting in St Gallen, a workshop with representatives of the association of judges of Switzerland, Austria, Germany and the Netherlands took place. During the workshop presentations were made and discussions took place dedicated to the Independence of judges and evaluation of their performance. One of the main issues discussed was the link between the volume and quality of court decisions, including the growing pressure for faster trial proceedings. In his talk Rene van Zupfen (former chairperson of the Dutch Association of Judges known to many Bulgarian colleagues from the jointly implemented project financed by the MATRA Programme) said: “Thus judges are sometimes pressured into producing judgments that are not inadequately considered, which ultimately reflects on the quality of justice and lowers public trust in the court. This pressure is a result of an ever stronger perception of justice as a biscuit factory in which quantity is more important than the quality of the individual product”.

1.2 Between 5 and 10 October in Yalta (Ukraine) the 60th Annual Meeting of the IAJ took place, which was a platform for meetings between representatives of judge associations from the whole world. The meeting was also a celebratory event as it marked the 60th anniversary of the IAJ, which was established in 1953. The BJA was represented by the Justices Mimi Furnadjieva and Nelly Kutzkova, who participated in the plenary sessions and the research committees, which hold annual discussions on various issues that are relevant to justice administration on the basis of questionnaires completed by the national associations in advance. As a matter of tradition, reports on the activities of the regional associations – the European, Iberian-American, the African and that of North America and Oceania were heard. The reports made by the Chairperson and the Secretariat of the IAJ were adopted. Applications submitted by national associations of judges were discussed. Individual organisational meetings of the regional organisations took place. The publication of the summary opinions of the committees on the IAJ webpage is forthcoming.

2. During the reporting period relations were established and subsequently developed between the Bulgarian Judges Association and the international association of European Magistrates for Democracy and Freedoms (MEDEL)

MEDEL is a French acronym for European Magistrates for Democracy and Freedoms, an organisations whose main goals are: initiating a common debate between magistrates from different countries in support of the integration of the European Community with a view to establishing a European political union; protection of the independence of the judiciary; democratization of the judiciary in areas such as professional development and aspects relating to internal independence; respect for the values of the democratic society based on the rule of law; protection of the civil rights of magistrates to free convention, association and expression, including their right to establish professional organisations and take common action; ensuring that the judiciary serves public interest in line with the principle of transparency, which allows civil supervision over its functioning; raising democratic legal culture through the exchange of information and training on topics of common interest. Currently MEDEL has 19 members (associations of magistrates – mostly of judges and several associations of prosecutors from France, Spain, Italy, Germany, the Czech Republic, Poland, Romania, Serbia, Turkey and Greece. The magistrate organisations functioning under the MEDEL umbrella alert other organisations of problems in the area of justice in their countries, particularly those with implications for the independence of the judiciary. On the basis of this information MEDEL takes appropriate action such as drawing up opinions addressed to the competent national authorities, conducting appraisals of the independence of the judiciary in individual countries and notifying their findings to the institutions of the European Union. MEDEL is actively engaged in the effort to establish single standards for the structure and independence of judiciary bodies in EU Member States and the establishment of a Prosecution Service of the European Union.

- The relations between MEDEL and the Bulgarian Judges Association were initially established last year when the BJA received an invitation by the Romanian Judges Association, a MEDEL member, to attend the Bucharest conference dedicated to the Mechanism for Cooperation and Assessment of the work of the Romanian Supreme Magistrates Council. During the conference the BJA representative Justice Atanas Atanasov was invited to participate in a meeting of the Executive Bureau of MEDEL and was familiar with the work of the association, with MEDEL expressing an interest in future cooperation;
- The BJA received an invitation to participate in the next meeting of MEDEL, which took place in Gdansk, Poland in March this year. In the framework of this forum the BJA received an invitation to join MEDEL as a full member. In connection to this, the Managing Board of the BJA expressed the readiness of our organisation to pursue cooperation, requesting that before the managing bodies of the BJA adopt a decision on membership the Bulgarian organisation be allowed to participate in MEDEL forums as an observer;
- In that capacity the BJA was invited to participate in the MEDEL conference, which took place in Berlin in June this year. The event was dedicated to the economic crisis in the European Union and its implications for justice.

The cooperation between the BJA and MEDEL during the reporting period exceeded the involvement of BJA in the events organisation by the association in the capacity of observer. During the events concerned the BJA was invited to familiarise the members of the organisation with the current difficulties and problems of the judiciary in Bulgaria. As

a result of this information MEDEL sent an observer of the trial (appeal) of Justice Miroslava Todorova against her dismissal before a five-judge bench of the Supreme Administrative Court. Another observer was sent by the Dutch Association of Judges with whose representatives BJA established contact during the MEDEL meeting in Gdansk, Poland, in March this year.

3. On 19 September 2013 the Justices Nelly Kutzkova and Borislav Belazelkov attended a meeting with Mr. Geisler, Director of the Legal Programme of the Konrad Adenauer Foundation, who is based in Bucharest. At the meeting the possibilities for the participation of the BJA in the programme were discussed. Mr. Geisler stated that the Konrad Adenauer Foundation is prepared to finance a small project of relevance to the Balkan region but that it would be preferable for an application to be submitted jointly with another association of judges from a neighbouring country.

IV. PARTNERSHIP WITH SIMILAR PROFESSIONAL ORGANISATIONS AND THE NON-GOVERNMENTAL SECTOR

During the reporting period the Bulgarian Judges Association continued to maintain professional contacts with national human rights protection and other non-governmental organisations, *inter alia* the Bulgarian Prosecutors Association, the National Association of Court Clerks, the Association of Jurists in Bulgaria, the Bulgarian Institute for Legal Initiatives, the Bulgarian Helsinki Committee, the Institute for Social Activities and Practices, the Open Society Foundation, the Association for Integration and Human Rights, the Institute for Development of the Public Environment, Risk Monitor, the Centre for Liberal Strategies, the NGO Centre in Razgrad etc.

The foreign and international organisations include the International Association of Judges, the European Association of Judges, MEDEL, the Dutch Association for Justice, the Dutch Judges for Judges Foundation, the Polish Judges Association and the Romanian National Judges Association.

V. Financial report

FINANCIAL REPORT FOR THE PERIOD NOVEMBER 2012 – SEPTEMBER 2013

Opening balance as at 15 November 2012, including	89 089,03
Cash in hand: 145.00 BGN; Bank deposits: 88,944.03 BGN	

Sources of financing during the reporting period:

1. Membership fees	12 782,00
2. Funds available under Project Strengthening of the Solidarity and Capacity of the Community of Judges financed by the America for Bulgaria Foundation	140 000,00
3. Funds available under the Daphne Project	88 473,47
<i>Total income:</i>	<i>241 255,47</i>

Expenditure during the reporting period:

1. Organisation of events (discussions, meetings, workshops, round tables, publication of the Judges newspaper etc.	57 300,10
2. Salaries and social, health and pension insurance	44 460,91
3. Accounting fees	1 800,00
4. Redesign of the BJA website	2 500,00
5. Telephone, Internet and postage	1 166,46
6. Translation of legal papers	3 702,00
7. Office supplies	624,38
8. Business trips	2 617,41
9. Membership fees (Association of Bulgarian Jurists, IAJ)	869,39
10. Stamp duty and fees (NRA, SCC, BULSTAT)	118,40
11. Banking fees	1 021,91
12. Other expenditure	236,00
Total expenditure:	116 416,96

Of which:

Project funding: 112,641.99 BGN

Membership fees: 3,774.97 BGN

Balance as at 30 September 2013, including:	213 927,54
Cash in hand: 2,417.00 BGN, Bank deposits: 211,510.54 BGN	

2 October 2013

Sofia

Diagonali Plus Accounting Firm

25 October 2013