

ANNUAL REPORT OF ACTIVITIES OF THE BULGARIAN JUDGES ASSOCIATION
for the period January – October 2012

I. INTERNAL ORGANISATIONAL DEVELOPMENT

The total membership of the Bulgarian Judges Association (BJA) currently stands at 939 judges of which 26 joined the organisation during the reporting period and 57 during the period 2010-2012. Two members have discontinued their membership.

1. Project financing

1.1 During the reporting period work continued on the implementation of the three-year project entitled *Strengthening of the Capacity and Solidarity of the Judicial Community*, which is funded by the America for Bulgaria Foundation and has a total budget of 420 000 BGN.

1.2 The BJA is currently expecting the outcome of several recent tendering procedures in which the following new project proposals were submitted:

- *Monitoring and evaluation of the work of the Inspection Service of the Supreme Judicial Council* with a proposed budget of 55 875 USD, which has been submitted to the Open Society Foundation;
- *Problems encountered by junior judges following their appointment at district courts* with a proposed budget of 18 000 EUR, which has been submitted for approval to the Konrad Adenauer Foundation;
- *Sexual violence: efficient protection of victims* – to be implemented jointly with the Department of Law of Barcelona University. The proposal has been submitted to the European Commission.

2. Membership fee

The trend towards partial payment of membership fees at irregular intervals has not been fully overcome. Membership fees are still collected by the sections and the current collection rate stands at 23 percent.

3. Administration

During the reporting period a project coordinator, technical assistant and an accounting company in respect of the projects to be financed with EU funds were appointed.

In line with the recommendations of the Supervisory Board given at the beginning of 2012 the following steps have been taken:

- An electronic register of all decisions of the Managing Board of the BJA has been created. The decisions are also published on the BJA webpage;
- A record of all BJA members is kept reflecting the status of each member in terms of membership fee payment;

- A contract has been concluded with an accounting company, which handles all aspects of financial reporting in line with the requirements for project management and prepares the consolidated financial reports of the organisation.

4. Website

4.1 Information is published and updated on a regular basis in the following new sections of the website:

- Press releases of the European Court;
- Judgments of the 3rd and 4th Departments of the Assembly of Civil Law Judges of the Supreme Court of Cassation, which are published with the express permission of that body and are presented in a systematic manner as summaries by Judge Mimi Furnadjieva.

Following a survey conducted amongst all BJA members and taking into account the recommendations received, specifications for updating the website have been developed.

An emphasis has been placed on selecting a more engaging design solution and ensuring more space is available for theoretical and other useful professional information, including indexes, theory of law, jurisprudence, library resources, calendar of court events etc.

5. The publication of *Sadiyski vestnik (The Judges' Journal)* in an electronic format has been resumed on the initiative and with the active involvement of the junior judges Ivan Georgiev and Vasil Petrov. The publication of the third issue is forthcoming.

II. ACTIVITIES IN SUPPORT OF THE INDEPENDENCE OF THE JUDICIARY – improving the standard of administration and governance in the judiciary, professional training and standards for judicial workload/caseload assessment.

1. Policy of the Managing Board aiming to safeguard institutional independence by means of proposed amendments to the Judiciary Act and response to attempts for outside interference.

1.1 The principal issue concerned the model underlying the Supreme Judicial Council (SJC) and the administration of the judiciary.

- In February 2012, a working group to the Legal Affairs Committee of the BJA developed a proposal for amendments to the Judiciary Act (JA), including a concept and a specific draft setting out the legislative amendments proposed.

The amendments were discussed and endorsed by 11 non-government organisations (NGOs) and further explained in detail at a dedicated press conference at the Bulgarian Telegraph Agency.

- In the period February – April 2012 the draft law amending and supplementing the Judiciary Act was open for a wide discussion on the website of the BJA and the opinions of all participants in the discussion have been taken into account.

The most active participants in the discussion were judges from the Supreme Court of Cassation, the Sofia Court of Appeal, and the Regional Courts in Varna, Vratsa, Blagoevgrad and Vidin.

The proposed amendments were discussed with the working meeting chaired by Minister Kovacheva and were subsequently submitted to the Ministry of Justice.

- In March 2012 the chairperson sent a letter to Minister Kovacheva objecting to “career development incentives”;
- Following a meeting of the Legal Affairs Committee of the 41st General Assembly on 27 April 2012 at which amendments to the Judiciary Act were approved, the BJA sent its official opinion to the Ministry of Justice, the Legal Affairs Committee, the different parliamentary groups and the independent MPs in the 41st National Assembly. The opinion was also publicized in the media.

The main public opinions, statements and open letters concerning the model underlying the SJC, which have been widely publicized in the media and are available on the BJA webpage, are set out below:

July 2012	Address of the Managing Board of the BJA to fellow judges appealing for their active involvement in the constitution of the new Supreme Judicial Council
July 2012	Opinion of the Managing Board of the BJA and the chairpersons of its constituent committees on the dismissal on disciplinary grounds of Judge Miroslava Todorova
July 2012	Open letter of the Bulgarian Judges Association and six other civil society organisations recommending a civil society list comprising six candidates to be endorsed by Parliament as members of the SJC from the quota of the National Assembly
August 2012	Platform for the work of the newly constituted SJC based on effectively tapping into the inherent potential of the judiciary and the support of civil society. A roadmap
September 2012	The BJA hosted a meeting of the candidates nominated for the SJC

1.2 Response to attempted outside interference in several cases

- Opinion of the General Assembly of the BJA of 28 January 2012 on the police operation conducted to apprehend Valentin Yanev (codenamed R.A.L.I.T.S.A);
 - Letter to the SJC of 8 November 2012 in support of the independence of the judiciary.
2. Along with actively safeguarding the independence of courts, the BJA has been equally active in **protecting specific professional rights and interests of the judicial community**, attempting to respond adequately to all challenges in the administration, career development and functioning of the judiciary as they arose.
- In May 2012, we wrote to the SJC in connection to the management of the budget of the judiciary, insisting that salaries be reviewed and updated; we also proposed that career development rules be altered so as to ensure they preclude the payment of bonuses, i.e. that all vacancies be filled whilst salaries be updated in a timely manner and provisions be made for the payment of an extra salary at Christmas and Easter;
 - We have voiced our opinion on specific matters brought to our attention such as the case of a colleague from Lovech and his ranking in a conducted competition in respect of transfers to other judicial districts;

- In November 2012, we submitted yet another opinion to the SJC on the model underlying performance assessment and competitions and raised the issue of reimbursement of travel expenses;
 - We have proactively clarified and disambiguated the reasons for the judgments delivered in specific cases when the information published in the media was insufficient or inadequate such as several cases adjudicated by the Sofia Court of Appeal, i.e. the so-called SAPARD Case against the defendant Valentin Dimitrov;
 - We have strongly condemned the physical assault on Judge M. Markov;
 - We have commenced exploring the situation of paralegals.
3. The third main area in our work is **expert contribution** by means of expressing opinion on different cases brought before the Constitutional Court and draft laws and our participation in different forms of training.

3.1 Opinions and involvement in working groups

February 2012	BJA proposal setting out amendments to the Judiciary Act
February 2012	Open letter expressing support for the proposed amendments to the Law amending and supplementing the Ministry of Internal Affairs Act in respect of the standard of absolute necessity of the use of firearms
March 2012	Letter to Minister Kovacheva concerning the model underlying the SJC and “career development incentives”
March 2012	Participation in the discussion of the Multiannual financial framework for the period 2014-2020 in the area of justice initiated by the Presidency of the European Council and the European Commission
March 2012	Participation in a meeting and discussion of the proposed amendments to the Judiciary Act
May 2012	Letter to the SJC concerning the budget of the judiciary
July-October 2012	Participation in the working group of the Ministry of Justice tasked with proposing amendments to the Judiciary Act

3.2 Developing a standard for the workload of judges

- In March 2012, a meeting with Mrs. Sheryl Loesch, Clerk of Court, U.S. District Court, Middle District of Florida, dedicated to “Defining a reasonable standard for the caseload of individual judges and judicial workload assessment of different courts” took place;
- A nationwide working group of judges was set up and tasked with the development and approval of national magistrates’ caseload assessment standards;
- The working group has had two meetings (on May and July 2012), which were attended by junior, municipal, district and appellate judges from different judicial districts in the country, including administrative and supreme judges and experts from the Bulgarian Legal Initiatives Institute;

The judges discussed different models for magistrates’ caseload assessment from the US and a number of European countries (The Netherlands, Finland, Italy, Spain, Germany, England and Wales) and agreed that in view of the specific constitution of the Bulgarian judiciary a working solution that would enable the development of a working model for magistrates’ workload assessment would require combining at least two models.

The main starting premise for defining indicators caseload assessment was the appraisal of the number and complexity of randomly assigned cases and the time typically necessary for the administration, management and hearing of a case until a judgment is delivered depending on its subject matter in the period between instituting proceedings and adjudication by delivery of a final judgment.

Different tables have been developed enabling the study of the typical timeframes for hearing cases with different subject matter at the various levels of the judiciary.

The outcomes of this study will be summarised with assistance from experts and statisticians. Further meetings of the working group have been planned.

3.3 Training events – the first annual meeting of junior judges (2005 and 2006 alumni) was organised. The event took place in December 2012.

III. INTERNATIONAL MEETINGS

Time	Meeting
May 2012	Meeting with a delegation from Turkmenistan. The focus of discussions were matters relating primarily to the training of magistrates, the main activities of the BJA and its relations with other professional organisations.
June 2012	International conference dedicated to “The contribution of national associations of judges to the reform of the judiciary in their countries and application of the European Convention on Human Rights”, Chisinau, Moldova.
November 2012	International conference entitled “The Supreme Judicial Council – achievements and lessons”, Bucharest, Romania
November 2012	Annual meeting of the International Association of Judges, Washington DC, US

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

During the reporting period the Bulgarian Judges Association maintained professional links of cooperation with the following organisations:

- National organisations for the protection of human rights and non-governmental organisations (Bulgarian Institute for Legal Initiatives, Open Society Foundation, the European Integration and Human Rights Association, Bulgarian Lawyers for Human Rights, the Institute for Public Environment Development, RiskMonitor, the Centre for Liberal Strategies, the Razgrad NGO Centre, the National Network for Civil Monitoring of Courts and the Association of Chiefs of Police);
- International organisations (International Association of Judges, Dutch Association for Justice, Konrad Adenauer Foundation, the Moldovan Judges Association, and legal professionals from Turkmenistan).

Partnership was mainly in the form of joint participation in projects and public events, support for common positions and making analytical information available on a reciprocal basis.

Done this 20 November 2012

FINANCIAL REPORT

As at 1 January 2012 the Bulgarian Judges Association had 13 056.32 BGN as follows:

- 69.53 BGN in hand;
- 12 986.79 BGN in bank deposits, including 12 691.54 BGN in national currency, 18.92 EUR and 175.34 USD.

The Bulgarian Judges Association finances its work and activities from the following sources:

1. Membership fees – during the reporting period the income from membership fees stands at 12 516 BGN;
2. Project funding in the amount of 160 000 BGN under Project “Strengthening of the solidarity and capacity of the judicial community” financed by America for Bulgaria Foundation.

The following main items of expenditure were incurred during the reporting period:

1. Cost of organising events (meetings, round tables, training events)	49 242.38 BGN
2. Salaries and social, health and pension insurance	28 992.06 BGN
3. Accounting services	1 700.00 BGN
4. Telephone and postal expenses	1 511.58 BGN
5. Computer equipment	899.00 BGN
6. Translation of legal materials and papers	4 451.52 BGN
7. Stationery	1 359.64 BGN
8. Office supplies (printer ink, paper)	838.31 BGN
9. Business trips	2 078.06 BGN
10. International transfers (membership fees, accommodating visiting guests)	1 169.46 BGN
11. Recovery of funds under a previous project	2 501.55 BGN
12. Stamp duty (National Revenue Agency, Sofia City Court, State Gazette)	179.19 BGN
13. Bank fees	781.54 BGN
14. Other items of expenditure	779.00 BGN
TOTAL	96 483.29 BGN

Out of total incurred expenditure the sum 89 605.07 BGN is from available project financing and the sum of 6 878.22 BGN from collected membership fees.

As at 15 November 2012 the balance of the accounts held by the BJA stands at 89 089.03 BGN of which 88 944.03 BGN in bank deposits and 145 BGN cash in hand.

Done this 15 November 2012 at Sofia

Zornitsa Dancheva
Diagonali Plus Accounting

REPORT
OF THE SUPERVISORY BOARD OF THE BULGARIAN JUDGES ASSOCIATION

Colleagues,

On 16 November 2012 we conducted a check on the financial and accounting records kept by the Bulgarian Judges Association for the previous reporting period up to the cited date.

On the basis of that check we have ascertained that adequate financial reporting arrangements have been set in place and that each item of expenditure is supported by a duly issued invoice/receipt. The balance of the funds kept in bank deposits has been verified by the relevant banks. All financial transactions of the BJA are clearly and accurately recorded. A consolidated financial report showing all items of income and expenditure relating to the work of the organisation has been compiled.

All papers and documents are properly filed and kept in meticulous order. The board has not detected any deficiencies in the work of the administrative secretary.

The recommendations of the Supervisory Board addressed to the Supervisory Committee and outlined in the report on the previous reporting period have been accepted by the General Assembly and subsequently implemented. A record has been set up of all decisions of the Managing Board, which is updated on a regular basis and is available to members seeking to consult it. A system enabling accurate reporting of collected and outstanding membership fees has been set in place. We do not have any recommendations in respect of the manner in which the record is kept and the nature of the information contained in it.

The Supervisory Board does not have any recommendations for the General Assembly that would require it to adopt and act on any decisions in regard to existing reporting arrangements.

Done this 20 November 2012 at Sofia

Members of the Supervisory Board:

1. Mimi Furnadjieva (signed)
2. Nikolay Gunchev (signed)
3. Ekaterina Nikolova (signed)