

Summary of the conference –
“The management of the courts in the context of developing the amendments of the Statute for
the judiciary”
22-24 of April 2016
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The following summary generalizes the impressions and the information collected throughout the meeting which was held in implementation of the project “Building of beneficially background for independent judiciary in Bulgaria”, financed by the Government of the Kingdom of Netherlands. In the event took part bulgarian judges from different levels of the judiciary from the following courts: Supreme administrative court, Court of appeal – Sofia, Sofia city court, District court – Varna, District court – Razgrad, Administrative court – Varna, Administrative court – Burgas, Regional court – Ruse, Regional court – Razgrad, Regional court – Smolian, Regional court – Varna, Regional court – Novi pazar, Regional court – Lukovit, Regional court – Sevlievo.

The meeting was held in the context of the yet adopted and the forthcoming amendments of the Statute for the judiciary and was aimed at conducting broad discussion between the judges in the following topics: The management of the courts and role of the General assemblies of the judges; giving a testimonial, career development and status of the judges; improving the faith of the citizens in the judiciary through interaction of the judges’ community with the society.

After the conducted discussion and the expressed opinions of particular judges was reached a consent on the following fundamentals which must be defended by the BJA in its participation in the council for the development of the amendments of the Statute for the judiciary in the Ministry of Justice and in its participation in the Council for the implementation of the Actual strategy for keeping on with the judicial reform concerning the matter of the management of the courts and the judicial self governance:

- To defend the development of the judicial self governance through strengthening of the role of the General assemblies of the courts, including giving them the opportunity to make decisions on the matters concerning the management of the particular court;

- To be adopted the right of the General assemblies of the courts from all levels of the judiciary and of the plenums of the two supreme courts to nominate before the Supreme judicial council candidates for chairmen of particular courts;

- To be confirmed the principle that the vice-chairman of any particular court must be a judge from that court, excluding the cases in which there are no candidates. It should be also adopted that the judges from one department of the court must assign the head of that department;

- In the Statute for the judiciary must be adopted precise requirements for the content of the concepts of the candidates for chairmen of the courts and to be proposed a mechanism with which the General assembly of the court would have the possibility of controlling the execution of the measures, contained in the concept of the chairmen;

- To be proposed the provision of maximal duration of two consecutive mandates for a chairman and after interruption the same person to have the possibility of being chairman of the same or other court;

During the discussion were made proposals of the ways in which the fundamentals could be implemented in the Statute for the judiciary, as well as proposals for the management of the courts in rotation from all of the judges; for checks in the middle of the mandate of the chairman for the degree of implementation of one's program; for the participation of the judges from the lower levels of the judiciary in nominating a candidate for a chairman of the particular district court or court of appeals; the General assembly to assign the degree of work-load of the chairman and the vice-chairman; to analyze the incomings of cases and the work-load.

In the second day of the meeting were discussed the matters concerning the testimonial and the conduction of the competitions, the new regulation of the disciplinary proceedings of the SJC and the new authorities of the Inspection of the SJC in the context of the forthcoming amendments of the Statute for the judiciary. On these matters consent was reached for:

- Strengthening the authorities of the Central commission of testimonials to implement general standards for testimonials; no consent on the idea of transferring the authorities of the the Central commission to other advisory regional commissions;

- Support for the idea of dropping off the professional interrogation as a form of conducting the competitions for transference and promotion and base the career development of a particular candidate on a profound verification of one's work on cases;

- Support on the following idea: If after filling the vacant places in one competition for promotion one or more vacant places occur afterwards but before announcing the next competition, these vacant places could be occupied by the next candidate/s from the ranking list from the last conducted competition. This shall be done only if there are guaranties that this period of time would not be excessively length and this operation would not be an obstacle for the conduction of the next competition;

- Creation of guarantees for the accurate announcement of the vacant places in the courts and conduction of competitions at least once in a year;

- Restriction of lengthy translocation as a mean of achieving a professional and career security;

- Maintaining a position which requires that a first appointment must be granted only for offices in the regional courts;

- Changes in the disciplinary proceedings aimed at differing the procedural status of the originator for the beginnings of the proceedings, of the disciplinary panel and of the authority for implementation of the penalty. The disciplinary panels must be composed of members of the supreme courts or to be adopted a guarantee that the originator of the proceedings would not be able to take part of the forthcoming parts of the proceedings.

On the second day was discussed what kind of initiatives BJA could undertake in order to draw into broader part of the professional community and meanwhile to promote for the

strengthening of the integrity of this professional community within the society. Vesislava Ivanova presented information for the development of the activities of the group of judges, engaged in visits of schools and work with children. Galina Nikolova proposed to make popular initiatives which help disabled people to work in the judicial system, to be well served from the administration and to have equal opportunity to take part in the proceedings. Vladislava Tsarigradska made a statement for the role of the courts in prevention of the criminality, the cooperation of the former with the other state or regional authorities and the educational measures concerning the people who have committed crimes.