

## **ARTICLES OF ASSOCIATION OF THE BULGARIAN JUDGES ASSOCIATION**

### **I. GENERAL**

Art. 1. The Bulgarian Judges Association (The Association) is an independent and voluntary professional organisation which unites the judges in Bulgaria and contributes to the protection of their professional, intellectual, social and material interests and to the strengthening of the positive social image of the Bulgarian Courts.

1.1. The Association will be established for an indefinite period, as a non-for-profit legal entity, with its own seal and bank account.

1.2. The name of the Association will be "The Bulgarian Judges Association".

1.3. The name of the Association may be used in foreign languages in translation approved by the Board of Directors. As per decision of the Board of Directors the name of the Association in English is: BULGARIAN JUDGES ASSOCIATION.

1.4. The Association will have its own symbols approved by the General Assembly.

Art. 2. The seat of the Association will be: Sofia 1000, Sofia Regional Court.

Art. 3. The registered office address of the Association will be: Sofia 1000, 'Dragan Tzankov' Blvd No:6.

Art. 4. The Association shall carry out its activities in compliance with the rules of the Constitution of the Republic of Bulgaria, the legislation in force and its own purposes, without distributing profits.

### **II. GOALS AND OBJECTIVES**

Art. 5. The Association's goals are:

5.1. to unite the judges in Bulgaria in order to assist the protection of their professional, intellectual, social and material interests;

5.2. to stimulate the consolidation of the professional and social authority of the Bulgarian Courts;

5.3. to stimulate the improvement of the professional qualification of judges and assist their professional performance;

5.4. to support the development and the enforcement of draft law projects, related to the effective functioning of the Judiciary;

5.5. to co-operate with the Ministry of Justice and other governmental bodies in the implementation of new methods and means of mastering judicial effort;

5.6. to maintain relations with similar international organisations, as well as with other international governmental or non-governmental bodies, organisations and institutions;

5.7. to research and support historically determined legal and judicial traditions in the Republic of Bulgaria.

Art. 6. To achieve its goals the Association will:

6.1. Collaborate with organisations, institutions and physical persons within this country and abroad for timely information exchange;

6.2. Conduct, assign and sponsor research, scientific developments and publications, related to its activities and goals;

6.3. Organize symposia, seminars, conferences and other national and international forums;

6.4. Publish and distribute materials within its activities area; build and maintain research and personnel training units, as well as such for permanent access to information;

6.5. Carry out other activities relating to the goals as per art. II.5.

### **III.**

#### **PROPERTY OF THE ASSOCIATION**

Art. 7. The property of the Association comprises cash, real estates, rights over them, chattels and limited real rights, participation in companies, securities, receivables and other assets.

Art. 8. The Association will acquire its property out of entrance fees, membership fee, donations, wills, printed publications and any other acquisition methods, admissible by the Law.

Art. 9. The initial amount of entrance fees and membership fee and (the terms of their payment) will be determined by a resolution of the Inaugural Meeting.

Art. 10. The amount of the entrance and membership fees, payable by Association members, the ways and terms of their payment will be determined by the Board of Directors and subject to up-dating according to the BOD assessment.

Art.11. The Board of Directors will manage the Association's property and will decide over the ways it will be used.

Art. 12. The Board of Directors may create funds out of the Association's property to be spent over a previously determined designation.

Art. 13. The Board of Directors shall prepare and submit annually to the General Assembly of the Association an annual activity report and an annual financial statement to be adopted by the latter.

#### **IV.**

#### **MEMBERSHIP, RIGHTS AND OBLIGATION OF THE ASSOCIATION MEMBERS**

Art. 14. Members of the Association may be any capable natural persons who:

14.1. are acting judges

14.2. accept its statutes, have made the due contribution and are working to achieve the objectives of the Association

14.3. he/she agrees to observe the present Articles of Association and has deposited the obligatory entrance fee, and works in compliance with the Association's goals.

Art. 15. Association membership is voluntary.

Art. 16. New members will be accepted after they deposit a written application addressed to the Board of Directors via the Regional Section Chairman. An application should contain all individual data about the candidate.

Art. 17. The Board of Directors will decide a membership application at its first regular meeting and a membership relationship will be created thereon.

Art. 18. Membership will be terminated in case of:

18.1. Personal notice addressed to the Board of Directors;

18.2. Expelling by decision of the Board of Directors, provided:

18.2.1. the Association member's conduct radically abuses the interests of the latter;

18.2.2. the Association member does not perform his/her obligations systematically and breaches these Articles;

18.2.3. the Association member has not been present twice in a row at the regular meetings of the General Assembly without a justifiable reason.

18.3. Death or injunction.

Art.19. Rights of the Association members:

19.1. to participate in the work of the General Assembly;

19.2. to elect and be elected in the governing bodies of the Association;

19.3. to participate in the activities of the Association;

19.4. to receive remuneration for all personal efforts made and services rendered, whenever expressly agreed;

19.5. to make proposals and present projects for the Association activities development before the Board of Directors;

19.6. to use of facilities and equipment with preference before other non-member organisations or persons;

19.7. to receive assistance in organisation of topical events that are part of the Association's activities.

Art. 20. Obligations of the Association members:

20.1. to pay their entrance fee within one-month period of the resolution of their acceptance;

20.2. to perform conscientiously and in time obligations, assigned to them in completion of specific Association tasks;

20.3. to comply strictly with the rules of the present Articles and the internal regulations for activities of the Association.

20.4. to pay their membership fee regularly.

20a.1. An honorable member of the Association may be considered to be a capable individual who has been dismissed from office as a judge and has made a significant contribution to the development of the organization. "

20a.2. Honorary members of the Association may participate in the General Meetings of the Organization, as well as in all other manifestations, by expressing opinions and making proposals, without the right to vote in decisions and without the right to be elected to the organs of the Organization and to participate in choosing them.

20a.3. The rules of Articles 15, 16, 16, 17, 18, 18, 18a, 19.1, 19.19, 19.4, 19.5, 19.6 and 19 shall apply accordingly to honorary members of the Association. 19.7 of the Statute.

## **V.**

### **STRUCTURE OF THE ASSOCIATION AND GOVERNING BODIES.**

Art. 21. The Association may create regional units within the jurisdiction of the District Courts. The regions covered by regional units, respectively their number, may be changed within the jurisdictions of the Appeal Courts in Bulgaria by decision of the Board of Directors.

21.1. The regional units will work according to the present Articles, the Association governing bodies' decisions and in view of specific territorial problems.

21.2. The regional units will keep a list of the Association members, living or working on their territory on the basis of information about newly accepted members in the respective region, submitted by the Board of Directors.

21.3. The Association members of each regional unit will elect a Unit Chairman.

21.4. A chairman of a regional unit may not be the Chairman of the respective District (Appeal) Court.

Art. 22. The Association managerial bodies are:

22.1. The General Assembly;

22.2 The Board of Directors;

22.3. The Chairman of the Board of Directors;

22.4. The Executive Secretary;

22.5. The Control Council.

Art. 23. The General Assembly of the Association members is its supreme body, comprising all of the Association members.

Art. 24. The General Assembly is competent:

24.1. to amend the present Articles;

24.2. to approve long-term plans, programs and other resolutions to achieve the Association goals;

24.3. to approve the Association budget and any changes made therein by the Board of Directors;

24.4. to elect and release members of the other Association bodies;

24.5. to decide about the Association participation in other organisations;

24.6. to decide about re-organizing and termination of the Association.

24.7. to discuss and approves the annual activity report and the annual financial statement of the Management Board and releases its members from liability;

24.8. to revoke decisions of the other Association bodies which are in conflict with the Law or these Articles.

Art. 25. The regular meetings of the General Assembly will be held once in a year. It will be the Board of Directors' duty to summon them.

25.1. The General Assembly may also be summoned on the request of 1/10<sup>th</sup> of its members. In case of refusal on part of the Board of Directors to summon the meeting, the provisions of art. 139, par.1, "last" sentence of the PFA (the Persons and Families Act), will apply.

25.2. The General Assembly will be summoned by written notice issued by the Board of Directors Chairman no less than 30 days before the date of the Meeting, pointing the agenda, date, time and venue of the latter.

Art. 26. The General Assembly is legal, provided more than half of its members are present. In case the number of members required is not present at the set hour on the set day, the meeting will postponed with one hour and held with the same agenda regardless the number of members present.

26.1. The Association members shall have an equal right to vote in the General Assembly. Each member is entitled to represent up to 3 members through a written power of attorney for the specific general meeting.

26.2. The General Assembly resolutions will be passed by a majority of votes of the members present, unless they relate to amendment of the Articles of Association or merging with another or other organizations – in which cases a majority of 2/3-rds will be required – or to the termination of the Association, -- in which case 3/4-ths will be required.

26.3. Issues, which have not been included in the agenda approved and announced beforehand, may not be raised for discussion.

26.4. Voting will be open unless otherwise decided by the Assembly in a specific situation, and in compliance with the prohibition of art. 142, par. 1 of the PFA.

26.5. Minutes are to be taken at the meetings of the General Assembly, signed by the BOD Chairman and his minutes-taker.

26.6. Minutes are to be taken at meetings of the Regional units, signed by the unit Chairman.

Art. 27. The Board of Directors will be elected by the General Assembly for a three year term of office. Any Association member may be a BOD member.

27.1. The Board of Directors comprises five members.

27.2. A member of the Board of Directors may not be elected for more than two mandates in succession.

Art. 28. The Board of Directors will appoint a Chairman and an Executive Secretary amidst its members

28.1. The announcement the newly elected members and that of the Chairman and Executive Secretary will terminate the BOD members' mandate.

Art. 29. The Chairman will call the BOD meetings by a written invitation within one-week time before the date of the meeting. The invitation will include an agenda project. In extraordinary situations a meeting may be called by telephone, fax or a telegram.

29.1. The meeting is deemed legal provided more than half of the BOD members are present.

29.2. A person is deemed present, if by telephone or other means, capable of ascertaining his/her identity he/she may participate in the discussion and decision making. The chairman verifies this member's vote in the minutes.

29.3. The decisions will be made by a majority of all the members.

29.4. The BOD meetings will be held no less than once in every four months.

29.5. The Board of Directors will accept procedural regulations for its work.

Art. 30. The Board of Directors is competent:

30.1. to ensure completion of the General Assembly's resolution;

30.2. to make decisions about use of the real estates of the Association and approve any deals made by the Chairman with chattels or other rights;

30.3. to prepare and present before the General Assembly a budget project and approve current amendments therein;

30.4. to prepare and present to the General Assembly an annual report on the activities of the Association and an annual financial statement;

30.5. to develop, approve and propose for discussion and approval by the General Assembly plans, programs, reports etc.;

30.6. to safeguard and keep documentation of the Association;

30.7. to carry out operative management of the Association;

30.8. to define the need, number and type of assistants of the Association and determine their remuneration;

30.9. to accept and expel members of the Association;

30.10. to elect out of its midst a Chairman and an Executive Secretary and dismiss them from position and responsibilities.

30.11. to confirm the internal regulations with 3/5 majority of members.

Art. 31. A pre-term dismissal of a member of the Board of directors may occur with a decision of the General Assembly by a written request by the GA or by a motivated request by a member of the Association made to the BOD Chairman.

Art. 32. The Board of Directors Chairman will represent the Association.

Art. 33. The BOD Chairman competence:

33.1. to call the BOD meetings;

33.2. to lead the BOD meetings and chair the meetings of the General Assembly;

33.3. to fulfil the Association budget and make proposals for its amendment;

33.4. to open and close the Association bank accounts and make arrangements with the amounts therein;

33.5. to appoint and dismiss the Association employees;

33.6. to report his/her activities before the Board of Directors;

33.7. may delegate when absent those functions to the Executive Secretary.

Art. 34. The Executive secretary will:

34.1. organize and carry out operations management of the Association activities;

34.2. agree his/her activities with the Board of directors Chairman;

34.3. perform direct management over the Association employees;

34.4. be responsible for the right and regular book-keeping;

34.5. organize the accomplishment of decisions of the Association managerial bodies.

Art. 35. The Control Council will comprise three members.

35.1. A member of the Control Council may be any member of the Association.

35.2. The Control Council will elect a Chairman to express their opinion before the other Association bodies.

35.3. The Control Council members' mandate will be terminated with the announcement of newly elected members, that of the Chairman - with announcement of the newly-elected Chairman.

Art. 36. The Control Council competence:

36.1. to watch for compliance with the Law, these Articles and other internal acts of the General Assembly's and Board of Directors' decisions;

36.2. to propose to the General Assembly cancellation of decisions of the Board of Directors in conflict with the Law, these Articles and other internal acts of the Association;

## **VI.**

### **TERM OF EXISTENCE AND TERMINATION**

Art. 37. The Association existence will not be limited by a term or other terminating condition.

Art. 38. The Association will be terminated by resolution of the General Assembly, passed by a qualified majority of 3/4 of the Association members present at the meeting.

Any issues not provided for in the present Articles will be subject to the general legal regime of Art. 136 etc. of the PFA.

These Articles were approved at the Inaugural Meeting on March the 28<sup>th</sup> 1997 and signed by all 30 founders. It was changed by decision of the General Assembly on December 1, 2001 and October 6, 2006.

Chairman:

(Kalin Kalpakchiev)