

## Standard Summary Project Fiche for the Transition Facility

### 1. Basic Information

1.1 CRIS Number **2007/019-303.05.06**  
Twinning contract BG/07/IB/JH /06

1.2. Title: **Strengthening the uniform application of the new procedural legislation in Bulgaria**

1.3. Sector: Justice and Home Affairs

1.4. Location: Republic of Bulgaria, Supreme Court of Cassation and Supreme Administrative Court,

### 2. Objectives

#### 2.1. Overall Objectives:

To improve the public management and transparency of the judiciary and court administration through strengthening the managerial and administrative capacity of the Supreme Court of Cassation (SCC) and Supreme Administrative Court (SAC) to meet new challenges following Bulgaria's accession to the EU and apply equally the *acquis communautaire* and the new civil, penal and administrative procedural legislation.

#### 2.2. Project Purpose:

Improvement of institutional capacity of the Supreme Court of Cassation and Supreme Administrative Court and Regional Administrative Courts to apply equally the new penal, civil and administrative procedural legislation.

#### 2.3. Justification

One of the main criteria of EU Membership is related to the obligation of the relevant country to strengthen its administrative and judicial capacity in order to be ready to adopt and apply the Community law. Since January 1 2007, Bulgaria has become a member of the EU, thus, Bulgaria recognizes that the implementation of the *acquis communautaire* together with all further challenges for the Judiciary, require improvement of the institutional capacity of the Bulgarian courts in order to implement timely and equally the new legislation. According to the Bulgarian Constitution and Judicial System Act the SCC and SAC have the primary responsibility to control the process of court administration in penal civil, commercial and administrative matters. In particular, the SCC and SAC are responsible also for uniform application of law. In this regard the project will facilitate the smooth application of the new penal, civil and administrative procedural codes in Bulgaria.

The 2006 Monitoring Reports on Bulgaria's progress towards accession in the European Union reveals that Bulgaria should make considerable efforts in the sector of judiciary reform. The judiciary reform, on one side, is characterized with the drafting and enforcement of legislation, and on the other side – with the judiciary system restructuring in the most efficient way. Judiciary reform means also changes taking place in the procedural legislation to assist and not to hamper the administration of justice.

According to the last Monitoring Reports of the European Commission on the state of preparedness for EU membership of Bulgaria and Romania (in May and September 2006) a number of areas of continuing concern were identified with a special need for immediate actions in the context of EU Membership's obligations. The Commission encouraged strongly the country to take and continue the necessary efforts in the observed fields such as: the justice system, the fight against corruption, police cooperation and the fight against organised crime, money-laundering and others.

**FINAL**

In particular, in the field of the judiciary, the reports' summary of monitoring findings is that "some progress has been made in the reform of the **justice system** in Bulgaria". Regarding the role of the Supreme Judicial Council the following conclusion is underlined: "*Further reform of the Supreme Judicial Council is necessary, in particular as regards its accountability and capacity to effectively manage the judiciary, in order to ensure the transparency and efficiency of judicial processes.*"

So far, the monitoring mechanism of the new penal and administrative procedure code is rather ineffective. The mechanism needs to be better known and used by magistrates, especially in local courts. Most difficulties regarding the implementation of the new penal procedure code relate to its too cumbersome procedures, unrealistic deadlines for the investigation of serious crimes and for scheduling case hearings and, finally, legal restrictions for giving evidence in court by police officers. The anti-corruption departments in the Supreme Judicial Council and in the Prosecution services need to be reinforced and to be protected from undue influence. Furthermore, there is still a backlog of cases initiated under the previous penal procedure code. The recent adoption of the new Civil Procedure Code and new Judiciary System act may cause major further delays in the judicial reform efforts. The replacement of 100% of the existing procedural legislation with new one in less than a year will require significant efforts on the side of Bulgarian courts. This project is aimed to strengthen the uniform application of the new procedural legislation in all courts of Bulgaria.

In addition, an effective monitoring and evaluation mechanism to measure the institutional development progress of judicial administration, including transparency and effective management issues, ethical standards, effectiveness of the disciplinary decisions, anti-corruption measures, competitive examination and evaluation needs to be developed. In this regard there is a significant lack of coordination between different judicial institutions as well as with professional organizations. The country specifics will require an adequate mechanism for active involvement of local stakeholders, professional organizations and public in the process of sustaining judicial reform efforts.

### 3. Description

#### 3.1. Background and justification

**Bulgaria** faces significant challenges in optimizing the administration of its judicial system. The weaknesses of the Bulgarian judicial system were consistently identified in all Regular Reports produced by the European Commission from 1999 to 2006. They have acknowledged that Bulgaria has made significant progress on the judicial reform strategy with the adoption of an Action Plan and major amendments to the Constitution and Judicial System Act. However the judicial system remains weak and there has been little concrete change in its functioning. In order for the judicial system to be able to play its role in the future development of the economy and future enforcement of the acquis, the reforms already agreed on in the National Reform Strategy for the Bulgarian Judicial System need to be fully implemented and work on remaining necessary reforms pursued. Special attention should also be given to reforms to the structure of the Bulgarian judiciary.

The considerable need for reform, its depth and its broad coverage in terms of institutions and the huge need for investments called for the updating of the Strategy. In preparing and adopting the updated five-year Strategy for Reform of Judiciary (2002-2006), the Government of Bulgaria has identified the full range of institutional and material problems facing the Judiciary, and organized them into logical groupings so that each could be addressed. It is based on an overall assessment of the situation for every aspect under consideration, setting out for all of them the main steps still to be taken by Bulgaria to meet the remaining requirements for membership. The Updated Strategy aims to safeguard that judicial and law enforcement authorities will succeed in the full implementation the commitments made in the negotiations, and thus meet the standards of EU Member States. Despite the commitment and hard work of many individual magistrates, the system yet remains disjointed.

**FINAL**

**Despite the strong legislative basis for reform in the judiciary and jurisdiction systems in Bulgaria, some further efforts are needed to apply the already introduced changes in the legal acts. In order to apply efficiently the new legislation it is necessary to strengthen the capacity of the judiciary system where SCC and SAC have significant role.**

The Administrative Procedure Code (APC) was adopted by the National Assembly (NA) on 29/03/2006 and was published in SG 30/11.04.2006. Subsequently, the APC abrogates the Law on Supreme Administrative Court, the Law on Administrative Procedures, the Law on Proposals, Notes, Compliance and Applications and the Law on Administrative Serving of the Individuals and Corporate Bodies. The Code has entered into force on 12.07.2006 with the exception of separate articles concerning the judiciary system reform, which will enter into force on 01.01.2007. The adoption of APC is an important stage in the process of building a state administration functioning responsively and transparently. APC will contribute to the improvement of the administrative service through introduction of the principle of speed in the preparation and issuing of the administrative acts. Its endorsement corresponds to the needs of creating systematic and unified legal framework on the procedures for issuing and appealing against administrative acts. The principles of access, publicity and transparency of administrative proceeding are introduced.

Administrative Procedure Code and with the latest amendments of the Judiciary System Act, provide for the establishment of administrative courts and they shall proceed upon all the administrative cases, except the ones proceeded by the Supreme Administrative Court. The Supreme Judicial Council has appointed 268 new judges to the administrative courts, and the Council of Ministers and the regional governors have to secure premises. The growing need for the citizens and the legal entities for administrative legal services for the last years results in the relatively high number of administrative cases. Therefore, the specialization of the courts is imperative and it can help for the further improvement of quality, speed, and organization of the administrative jurisdiction.

In addition, the new Penal Procedure Code and development of the new Civil Procedure Code impose significant challenges in front of SCC to analyze and apply the new regulation equally. In particular importance would be increasing the access to court information. Following the practices of SAC would be beneficial for the SCC.

The well-functioning SCC and SAC would determine to a considerable extent the effectiveness of the judicial system's activity. It is necessary that objective criteria and mechanisms for the evaluation of the effectiveness of the work done by the magistrates and court administration are introduced, and the realization of the disciplinary liability should be improved and more transparent. For the achievement of full effectiveness, the SCC and SAC needs to have an improved information and monitoring system on uniform application of the procedural legislation, provided with the necessary methodology, personnel and know-how.

The Supreme courts judges and court administration will need to develop better skills to coordinate and adequately respond to the contemporary challenges in the procedural legislation. In addition, the Supreme courts successful integration in the EU court system is of the utmost importance to the full implementation of *acquis communautaire* in Bulgaria. The local courts would also demand adequate guidelines from the Supreme courts in the area of uniform application of procedural rules. The Supreme courts will need specific assistance in screening the local practice in regards to application of the new procedural laws and *acquis communautaire*. This specific need is not addressed by any other EU or bilateral projects. This activity is unique for the Supreme courts functions and its success will require an improved coordination with other projects dealing with reform of the judiciary.

The recently adopted amendments to the Constitution provided for creation of a new form of monitoring of judicial administration and processes – Inspectorate. In addition the pending Draft of the

**FINAL**

Judiciary System Act provides for possible significant restructure in the SJC operations. It is discussed that the SJC members should **not** continue their other professional activities (in most cases as heads of courts or prosecution offices) and therefore should devote their effort full-time in managing the SJC operations.

Another important factor influencing the transparency in the work of the judiciary is the **public and media accessibility to the jurisdiction. The transparency of the judiciary need additional strengthening. To improve the image of the judiciary, the transparency of its work has to be increased. Some mechanisms have to be elaborated to achieve transparency in the work of judiciary by regulating the access of the public and of the media to the jurisdiction, so that a balance to be established between the normal functioning of the judiciary and the satisfaction of the needs of information. There will be no adequate and equal treatment of *acquis communautaire* if there is no trust in the society in the judiciary. The trust could be gained only by increased transparency and accountability of the judicial system.**

Surveys indicate that the public perceives there to be a high level of corruption in the judiciary and legal professions, a claim disputed by the judiciary. The endorsement of the principles of transparency and integrity for the court administration and the magistrates is of primary importance for the combat and prevention of corruption and enhancement the citizens' confidence in the judicial institutions. Most of the public court documents and decisions are not accessible for the public. The country specifics will require an adequate mechanism for active involvement of local stakeholders, professional organizations and public in the process of sustaining judicial reform efforts.

Its strategic objective is to plan the future progress of the process of computerization of management, the introduction and further development of the Bulgarian judiciary system information recourses for the period of 2006-2009. The Strategy presents a strategic analysis of the present level of development of the information service system for the Bulgarian judiciary system and its relevant environment and describes the forthcoming stages of development for the period of 2006-2009.

### 3.2 Linked activities

#### PHARE Horizontal

Three of its components are especially designed for the Judiciary, such as:

- **The Rule of Law** (Lead Member State: The Netherlands, Centre for International Legal Co-operation);
- **Legal Co-operation in Criminal Matters** (Lead Member State: United Kingdom, assisted by France and Italy);
- **Training of Judges in EC Law** (Lead Member State: Luxembourg, European Institute of Public Administration, with the involvement of France, Finland, Italy and Sweden). The project aims at building the capacity to train judges in EC law.

#### National PHARE Programme:

##### **PHARE 1999 BG/99/IB/JH/01 *Strengthening the Independence of the Judiciary and Building the Capacity of the Ministry of Justice.***

This twinning project provides for measures at all levels and, *inter alia*, for strengthening the Judiciary by proper court administration, training magistrates in EC law, upgrading the professional knowledge and skills of magistrates, approximating Bulgarian national legislation with the *acquis communautaire*. The project also contains an investment component (pilot courts in Sofia)

##### **PHARE 2001 BG-0103.03 *Recruitment and Training Strategy for the Judiciary.***

The project aims at improving the system of magistrates' recruitment, career development and qualification, and the career development system for administrative clerks in the bodies of the Judiciary

**FINAL**

**PHARE 2002 BG-0203.01 *Implementation of the Strategy for Reform of the Bulgarian Judiciary***

This project aims at ensuring equal access to justice, and at improving the system of court execution and enforcement. The project contains an investment component (automation of courts and training of court clerks in the standard software applications)

**BG/2002/IB/JH/01 A&B, FM BG 0203.01 *"Implementation of the Strategy for Reform of the Judiciary in Bulgaria"***

The overall objective of these two twinning projects is to support the Bulgarian government and the judicial system in the best possible way in implementing the Strategy for Reform of the Judiciary, aiming to meet EU standards and practices in terms of quality of justice through reform of the system of legal aid ensuring equal access to justice, improvement of court decisions enforcement system as well as introduction of information technologies and provide for a sustainable increase of efficiency in the courts. The Project aims also at strengthening the National Institute of Justice for training of the judiciary and the judicial administration

EuropeAid/113343/D/SV/BG „Technical Assistance for the Preparation of a Recruitment and Training Strategy for the Judiciary”

Among the development of a system with clear common criteria for recruitment and appointment of magistrates and clerical staff the project's overall objective was the assessment of the Bulgarian legal education system and the preparation of a strategy for its harmonisation with those in the EU, the development of a National Training Strategy for the judiciary in Bulgaria, including identification of the training needs of magistrates (judges, prosecutors and investigators) and clerical staff, drafting of separate overall Training Strategies for magistrates and clerical staff and design of separate curricula for training of magistrates and clerical staff and the provision of pilot training for magistrates and clerical staff.

**BG-0203.04 Project *"Improvement of administrative justice in view of the fight against corruption"***

The main objective of this twinning project is improvement of the legal and organisational framework of the administrative justice in order efficiently to prevent corruption through introduction of a modern system of administrative legislation and establishment of efficient mechanisms for external judicial control over the work of the public administration. The final goal of the project is codification of the administrative procedure and establishment of specialised administrative courts.

**BG/2000/IB/JH/01 Project *"Strengthening the Public Prosecutor's Office"* and BG-0203.06 Project *"Strengthening the Institutional Capacity of the Public Prosecutors' Office for Combating Organized and Economic Crime and Corruption"***

The objectives of these projects are to support the Bulgarian Government in its fight against organised crime and corruption, to complete and implement an Institution Building plan for the Public Prosecutor's Office (PPO), and to assist in increasing the capacity of PPO for prevention, investigation and combating organized and economic crime and corruption through specialisation of prosecutors, improvement of internal management,

**PHARE 2003****BG 2003/004-937.08.01****BG/03/IB/JH/01-A *"Reform of the Civil Procedures"***

The project's overall objective is the improvement of the legal and institutional framework for the civil proceedings in order to adjust the Beneficiary Country's (BC's) legal and judicial system in civil matters to the relevant *acquis communautaire* and the EU best practices and standards, thus to contribute to the process of preparation of the Republic of Bulgaria for accession to the European Union. The project's immediate objective is the generation of the legal preconditions for fast and efficient court proceedings in civil matters through introduction and implementation of a reform of the civil proceedings by way of preparing a

**FINAL**

new legislative concept for civil proceedings and, based on it, drafting the respective legal framework in line with the relevant *acquis communautaire* and the EU best practices and standards and introducing it to the Council of Ministers and – if approved – to the Parliament for adoption. As this project is implemented by the same MSP close and regular co-ordination is ensured.

#### BG/03/IB/JH/01-B – “Reform of the Penal Procedures” –

The project aim is to provide of fast, efficient and qualitative court procedures through implementation of reforms in the penal legal proceedings and preparing a new concept and legal framework of the laws regulating it. As result of this project a new concept and legislative framework concerning the Bulgarian penal procedure in line with the best practices of the EU has been developed. The project does not include enhancement of the institutional capacity of the judicial system (courts and SJC) to implement the new legislation.

#### PHARE 2004

BG 2004/016-711.08.01 – “Support for further Implementation of the Strategy for Reform of Bulgarian Judiciary” (inception)

The project purpose is to support the Bulgarian Government and the Bulgarian Judicial System in implementation of the Strategy for Reform of the Judiciary through introduction of European standards in justice and through updating the judicial infrastructure that will contribute to the process of preparation of the Republic of Bulgaria for accession to the European Union

#### BG 2004/IB/JH/01 – Remedy the Civil and Penal Procedure

The project results have developed the necessary legislative framework for implementation of the concepts developed under the previous PHARE projects. This project aim does not include institutional capacity building activities.

#### BG 2004/IB/JH/02 — Judicial Cooperation in Penal and Civil Matters

The project aim and results have established the grounds of judicial cooperation between different member states in civil and penal matters. However, the Bulgarian judicial system, including SJC has experienced problems in cooperating with different judicial bodies, government and civil society in order to advance the reform issues. In this regard the proposed project will not overlap the existing PHARE projects, but it will contribute the effect of the cooperation in civil and penal matters by introducing the effects of application of *acquis* to the public. It will also further improve the institutional mechanisms of SJC and other judicial institution adequately and fully to participate in the process of judicial cooperation. In particular the Supreme Administrative Court will need specific assistance due to the specifics of its functions.

#### **BG 2004/016-711.08.02, BG/04/IB/JH/04 “Improvement of the Magistrates’ Legal Status and Strengthening the Capacity of the Supreme Judicial Council”**

The grounded purposes of the project are: improvement of the legal framework of the magistrates’ status, provision of training for magistrates and administrative staff and strengthening the capacity of the Supreme Judicial Council. Therefore the work of this project was focused on the following main issues:

##### **1. Magistrates legal status, selection, evaluation and discipline**

In particular, the project activities contributed to the process of elaboration of a package of recommendations and proposals for legislative amendments of the legal framework of the magistrates’ legal status, the criteria and mechanisms for their selection, appointment, promotion

**FINAL**

and downgrading, the methods for verification of the quality of the work done, as well as for the improvement of the mechanism for the realization of disciplinary liability.

Adoption of a new secondary legislation in the field of the magistrates' legal status (such as the approved by SJC *Regulation for appraisal of magistrates* and *Regulation for rules and provisions for competitions for magistrates*) is a direct result of this project.

## 2. Administrative capacity of the Supreme Judicial Council

In particular, the project activities are aimed at: provision of a review and analysis of the existing structures and practices of judicial system management in some Member States of the European Union; improvement of the existing mechanism of staff recruitment, evaluation and promotion in the administration of SJC; training administrative staff; keeping track of recommendations of various EU institutions in the field of justice and briefing regularly the members of SJC; and developing regular releases of a newsletter reporting on the work of the Judiciary.

Especially in the field of budget and auditing, the project activities has included: the training of the staff of the financial department to work with uniform accounting software products, as well as presenting the European financial monitoring and audit systems to the relevant SJC staff.

The proposed project will further improve the administrative capacity of SCC and SAC in implementation of the measures developed under the previously funded PHARE projects. In particular, this project shall include the introduction of management methods which should adequately contribute to the implementation of the newly developed regulations, improved qualifications of the SCC and SAC court staff through seminars, and development of monitoring and evaluation plans to monitor the progress in the relevant areas. In addition, th mechanisms for permanent updating the judicial system strategic and action plans by including different stakeholders outside of system (professional and civil society organization) is not yet been developed. The last is of a particular need in order to be fully and smoothly implemented the last amendments in the Constitution and pending draft of Judiciary system act.

Other connected PHARE projects are recently under implementation: BG-2003/004-937.08.02 "Support of the Implementation of the Strategy for Reform of the Judiciary through Introduction of Information Technologies", component 2 "E-Justice Full Analysis and Partial Implementation" (Technical assistance) *and* BG-2004/006-070.03.01 "Support of the Implementation of the Strategy for Reform of the Judiciary through Introduction of Information Technologies - Second Phase", component 2 "Judiciary Business Applications Development, and Supply of Hardware, Communication Equipment and Standard Software: e-Justice Initiation and Initial Implementation ". The results and objectives of these projects were already mentioned in project results here.

Further it is connected with project BG-2005/017-353.07.01 Strengthening of the Bulgarian Judiciary, sub-project IV "Support for further Implementation of the Strategy for Reform of Bulgarian Judiciary", component 2. This will provide further SW supply to the development of the e-justice within Bulgarian judiciary.

### USAID:

Within the USAID the projects *Judicial Development* (2000-2004) and *Judicial Strengthening Initiative* (2004-2007) carry out various activities directed towards the strengthening of the Bulgarian judicial system with regards the accession of Bulgaria to the EU. The work on the projects were concentrated over the improvement of the judicial administration – improvement of the citizens' access to the courts and of the court security.

The *United States Department of Justice* renders technical and logistical assistance to the Bulgarian Ministry of Justice and Ministry of Interior in relation to the penal legislation and to the special investigation means.

**FINAL**

**MATRA Programme, financed by the Dutch government**, having as objective the enhancement of knowledge in EC Law among those working in the judicial system of Bulgaria.

The purpose of the new project is to continue the achievements of the above mentioned Phare Twinning Projects and other donor funded activities, and especially in the field of the strengthening the SJC capacity for the Judiciary management such as: Budget and Financial management, Human Resources Management and Public Access and Outreach. The new project will focused mainly on the improvement of the competence of the SJC, SCC and SAC in the development and application of strategic documents, working programmes and plans for judiciary management, including the successful implementation of the new legislation.

### **3.3 Results**

#### **Sub-project 1**

##### **Strengthening the administrative justice in Bulgaria**

- 1.2. Functional new administrative structures of SAC and regional administrative courts and improving their institutional capacity;
- 1.3. Improved practices of administration of administrative justice by unified, synchronized, simplified and systematized court administration procedure;
- 1.4. Improved access to court information and administrative justice, accelerated procedure for defence of citizens' rights infringed by public administration officers;
- 1.5. Sustainable administrative justice with effective internal communications and establishment of court improvement standards;
- 1.6. Improved transparent and equal application of the law in different regions of the country;
- 1.7. Organisation of International Conference with representatives of EU Administrative Courts and their network.

#### **Sub-project 2**

##### **Strengthening the penal, civil and commercial justice in Bulgaria**

- 2.1. Improving of the administrative structures and institutional capacity of SCC to effectively coordinate and control equally application of the new penal and civil procedural legislation;
- 2.2. Improved practices of administration of justice by unified, synchronized, simplified and systematized court administration procedure and effective implementation of the random case assignment;
- 2.3. Sustainable administration of justice with effective internal communications and establishment of court improvement standards;
- 2.4. Improved transparency and access to court information in Supreme Court of Cassation;
- 2.5. Organisation of International Conference with representatives of EU Supreme Courts and their network.

### **3.4 Activities**

#### **Sub-project 1**

##### **Strengthening the administrative justice in Bulgaria**

##### **Sub-Project 1.1**

##### **Exchange of experience with EU Administrative Courts**

- 1.1.1. Specific tailored meetings, site visits and presentations of good practices;
- 1.1.2. Exchange of information on functioning of the EU Administrative Courts.

**FINAL**

- 1.1.3. Provision of 2 national seminars to discuss the roles and function of SAC in the network of EU administrative courts.
- 1.1.4. Implementation of the recommended techniques to improve management structure and processes in the SAC and the regional courts
- 1.1.5. Dissemination of the information through: collection of case studies and good practices
- 1.1.6. Organizing International Conference with representatives of EU Administrative Courts and their network

### **Sub-project 1.2**

#### **Enhanced administration of the Bulgarian administrative justice**

- 1.2.1. Comprehensive assessment of the Bulgarian system of the state of the administrative justice in strategic planning and management capacity development
- 1.2.2. Needs assessment and recommendations for possible changes in internal regulations related to the administration of the SAC and regional administrative courts
- 1.2.3. Development of a strategic plan for improvement of court administration on SAC and regional administrative courts and program for its implementation
- 1.2.4. Development of draft internal rules for operations of SAC and RACs as well as other relevant draft legislation if needed
- 1.2.5. Development of capacity building training programmes, materials and curricula on administration of administrative justice and pilot training implementation (groups: Supreme magistrates; Regional magistrates; Supreme administrative staff; Regional administrative staff) in connection with the new system and structure of administrative procedure
- 1.2.6. Four pilot series of 5 intensive trainings will be designed to give participants (magistrates and administrative staff) the communication, management, and networking skills to more effectively organize and serve to society. The trainings will not only build the skills of the participants; it will result in better inter-relations between Supreme Court and Regional Courts. The actual training content will be designed after conducting a needs assessment.
- 1.2.7. Development of sustainable coordination mechanism for information exchange between SAC and RAC (Regional Administrative Courts) in order to assess the needs for trainings and improvements of their operations. This will allow standardization and equal treatment of citizens.
- 1.2.8. Development of sustainable mechanism for monitoring of the uniform application of the law in different regions and institutional strength of SAC and RAC. This will enhance access to justice and will improve the public trust in judiciary.

### **Sub-project 2**

#### **Strengthening the penal, civil and commercial justice in Bulgaria**

##### **Sub-Project 2.1**

###### **Exchange of expertise with European Supreme Courts**

- 2.1.1. Specific tailored meetings, site visits and presentations of good practices
- 2.1.2. Exchange of information on functioning of the European cassation jurisdiction
- 2.1.3. Provision of 2 national seminars to discuss the roles and functions of SCC in the network of EU courts;
- 2.1.4. Implementation of the recommended techniques to improve management structure and processes in the SCC
- 2.1.5. Dissemination of the information through: collection of case studies and good practices
- 2.1.6. Organizing International Conference with representatives of EU Supreme Courts and their network

##### **Sub-project 2.2**

###### **Enhanced administration of the Bulgarian civil, commercial and criminal justice**

**FINAL**



- 2.2.1. Comprehensive assessment of the Bulgarian system of the state of the civil, commercial and penal justice in strategic planning and management capacity development
- 2.2.2. Development a strategy for improvement of court administration on SCC and action plan for its implementation
- 2.2.3. Needs assessment for possible changes in internal regulations related to the administration of justice in the Supreme Court of Cassation;
- 2.2.4. Providing recommendations to improving internal rules for operations of SCC.
- 2.2.5. Organizing regular workshops between judges at different levels and follow-up mechanism to monitor the outcomes from these meetings, including court staff;
- 2.2.6. Development of sustainable mechanism for monitoring of the uniform application of the law in different regions and institutional strengthening of SCC. This will enhance access to justice and will improve the public trust in judiciary
- 2.2.7. Development of sustainable coordination mechanism for information exchange in order to assess the needs for trainings and improvements of SCC operations for equal application of the legislation.

**\* The trainings planned will be conducted in cooperation with the National Institute of Justice.**

### **3.5 Lessons Learned**

Need of close collaboration and coordination between the Ministry of Justice, the Supreme Judicial Council, Supreme Court of Cassation and Supreme Administrative Court in order to ensure adequate division and differentiation of their responsibilities in practice and later on-to ensure the necessary legislative amendments.

Public involvement and information sharing are crucial for the successful implementation of the reform processes.

### **4. Institutional Framework**

The project will concern the activities of the Supreme Judicial Council, Supreme Court of Cassation and Supreme Administrative Court, district and regional courts, as well as the structures of the local court administration. The Ministry of Justice will be also actively involved in the implementation of the project.

28 Regional Administrative Courts are established and six departments in SAC are set up in the framework of the Court each of them being specialized in particular field of Administrative Law – tax and customs law, social and pension insurance, privatization, termination of public officer' employment, Competitive law, Refugee law, etc.

Three departments are set up in the framework of the Supreme Court of Cassation each of them being specialized in particular field of Civil, Commercial and Penal Law etc.

Prior to the start of the implementation of the Project the Supreme Judicial Council, Supreme Court of Cassation and Supreme Administrative Court, in cooperation with Ministry of Justice will establish a joint working group /Task Force/ for the actual implementation of the Project in terms of organization of the activities and co-ordination of experts' recommendations and opinions.

Persons responsible for the Project are:  
SUPREME COURT OF CASSATION:

**Project Leader, Sub-Project 1: Todor Chanichev**, Deputy Chairman of the Supreme Court of Cassation,  
1, Vitosha Blvd., 1000 Sofia

ANNEX

**FINAL**

The Bulgarian Project Leader shall direct the implementation of the project and shall be responsible for the substance and the progress of the project.

RTA counterpart shall be:

**Roumen Nenkov**, Deputy Chairman of the Supreme Court of Cassation, 1, Vitosha Blvd., 1000 Sofia

The RTA counterpart will work on a day-to day basis with the RTA.

**SUPREME ADMINISTRATIVE COURT:**

**Project Leader, Sub-Project 2: Mario Dimitrov, Secretary General** of the Supreme Administrative Court,

18, "Alexander Stamboliiski" Blvd., 1040 Sofia,  
tel.:(+359 2) 940 43 70; fax: (+359 2) 981 87 51;

The Bulgarian Project Leader shall direct the implementation of the project and shall be responsible for the substance and the progress of the project.

Contact Persons:

**Konstantin Penchev**, Chairperson of the Supreme Administrative Court,  
18, "Alexander Stamboliiski" Blvd., 1040 Sofia,  
tel.:(+359 2) 940 43 70; fax: (+359 2) 981 87 51;

**Svetla Stoeva**, Head of Department at the Supreme Administrative Court,  
18, "Alexander Stamboliiski" Blvd., 1040 Sofia, tel.:(+359 2) 94 04 310;  
fax: (+359 2) 981 87 51; e mail:sstoeva@sac.government.bg

**Andrei Ikonov**, Head of department at the Supreme Administrative Court,  
18, "Alexander Stamboliiski" Blvd., 1040 Sofia, tel.:(+359 2) 94 42 12;  
fax: (+359 2) 981 87 51; e mail:aikonov@sac.government.bg

**MINISTRY OF JUSTICE:**

**Contact Persons:**

**Teodora Marinova**, Expert, International Programs Department,  
"International legal cooperation and European Integration" Directorate, MoJ ,  
tel.: (00359 2) 9237449, fax: (00359 2) 980 92 23,  
e- mail: t\_marinova@justice.government.bg

**Evgeni Gospodinov**, Expert, International Programs Department,  
"International legal cooperation and European Integration" Directorate, MoJ ,  
tel.: (00359 2) 9237513, fax: (00359 2) 980 92 23,  
e- mail: e\_gospodinov@justice.government.bg

**SUPREME JUDICIAL COUNCIL**

Contact Persons

**Slavka Kamenova** , Secretary General,  
9, Saborna str., 1000 Sofia, Bulgaria,  
tel.: (00359 2) 981 79 74; 930 49 57,  
fax: (00359 2) 9807632,

**FINAL**



**Hristina Todorova**, "European Legal Integration" Directorate,  
9, Saborna str., 1000 Sofia, Bulgaria,  
tel.: (00359 2) 930 49 42,(43),(44),  
fax: (00359 2) 9807632, e-mail: [european-integration@vss.justice.bg](mailto:european-integration@vss.justice.bg)

## 5. Budget

€

	EU Support – Transition Instrument			National Co-financing	IFI	TOTAL
	Investment Support	Institution Building	Total = (I + IB)			
Twinning		1600 000	1600 000			1600 000
<b>Total</b>		1600 000	1600 000			1600 000

\* For the twinning contract national co-financing of up to 10% will be ensured by the National Fund Directorate, Ministry of Finance.

Contributions from the Bulgarian administration for effective implementation of the twinning/twinning light/TA may be further detailed in the twinning contract/terms of references.

To ensure smooth implementation of the project, the beneficiary will provide adequately equipped office space with telephone, PC (Internet) and fax. Photocopier and access to the necessary information as well as secretarial support will be ensured during the project life-time. In addition the beneficiary will provide space and facilities for workshops (training), consultations and seminars. The national co-financing will be specified in the twinning contract.

## 6. Implementation Arrangements

### 6.1. Implementing Agency

The beneficiaries of the project are the Supreme Court of Cassation, 1, Vitosha Blvd., 1000 Sofia, Supreme Administrative Court, 18, Alexander Stamboliiski Blvd., 1040 Sofia, **Supreme Judicial Council, 6, Saborna Str.**, Sofia 1000 and **Ministry of Justice**, 1 Slavianska str., Sofia 1040, Bulgaria, and.

Bulgarian Project Leaders will be Mario Dimitrov, Supreme Administrative Court, and Todor Chanichev, Deputy Chair Supreme Court of Cassation. The project will be under the substantive coordination with the Ministry of Justice, Supreme Court of Cassation and Supreme Administrative Court.

A Steering Committee will be established including the project leaders of the institutions involved – MoJ, SJC, SCC and SAC. The coordinator of this activity will be the SJC Secretary General.

The Central Financing and Contracting Unit (CFCU) is the implementing agency to be responsible for tendering, contracting, payments and financial reporting and will work in close co-operation with the beneficiaries.

The Programme Authorising Officer (PAO) will be the State Treasurer of the Ministry of Finance.

### Contact Details:

Ms. Gergana Beremska  
State Treasurer of the Ministry of Finance  
102, Rakovski St., 1040 Sofia, Bulgaria

**FINAL**

Tel.: (+359 2) 9859 2495  
E-mail: [g.beremska@minfin.bg](mailto:g.beremska@minfin.bg)

Deputy PAO:  
Mr. Lubomir Tushanov  
Director, Central Finance and Contracts Unit, Ministry of Finance  
102, Rakovski St., 1040 Sofia, Bulgaria  
Tel: (+359 2) 9859 2431  
E-mail: [l.tushanov@minfin.bg](mailto:l.tushanov@minfin.bg)

## 6.2. Twinning

The Twinning Manual will apply for this project. The project will be implemented through twinning with one or more Member States. The success in delivering a guaranteed result will depend on the coherence of a number of successful inputs, the continuity of those inputs and steady progress.

The twinning will include a Member State Project Leader, who will continue to work in his/her Member State administration but at the same time will conceive, supervise and coordinate the overall thrust of the project. He/She will be complemented by at least one full-time Member State expert – Resident Twining Advisor (RTA). The RTA will work on a day-to-day basis with the beneficiaries and accompany the implementation of the twinning project. The proposed duration of his/her stay would be up to 24 months.

### **Required inputs of RTA:**

The twinning institution has to be well acquainted with the system of penal, civil, commercial and administrative law and procedure and the organisation of the civil, penal and administrative courts in EU court system. The twinning institution must be closely linked to, or preferably be within the structures of the governmental administration of an EU Member State

### **The tasks of the RTA are as follows:**

The RTA will be responsible for ensuring the delivery of the results of the project, identified in section 3.3. There will be needed **two RTAs for the project duration**. The RTAs will be based at the respective Supreme Courts in Sofia, though the project may involve frequent field visits throughout Bulgaria.

### **The RTAs should correspond to the following job description:**

- Public sector experts
- Highly qualified lawyers with a long experience in the judicial system
- Experience in the relevant field of Civil, Penal and Administrative law and court procedures
- Working experience with structures/organizations for management and development of the judicial system will be a plus
- Fluency in English.
- Computer literate
- High communication skills

### **Short- and medium-term experts**

- Public sector expert

Areas not directly covered by the RTA should be taken over by public sector short-term experts with special regard to:

- Advise in matters of civil, penal and administrative legislation
- Methodological support in evaluation and analysis of data
- Implementation of training programmes

The concrete assignments and further topics will be a subject to the preparation of the Twinning Covenant and the recommendations.

**FINAL**

### 6.3. Non-standard aspects

The project will be implemented in EDIS-environment, in full compliance with the national legislation and in accordance with the Transition Facility /TF/ programming and implementation guide and the relevant Phare rules & regulations applicable to TF.

### 6.4. Contracts

There will be one Twinning Contract of a total value of 1,6 M €.

**The project duration will be 18 months.**

## 7. Implementation Schedule

### 7.1 Start of tendering/call for proposals

Twinning November 2007

### 7.2 Start of project activity

Twinning June 2008 -

### 7.3 Project completion -

Twinning - December 2009

## 8. Sustainability

The projects will be implemented in close cooperation with PHARE and other projects. Therefore sustainability of the results already achieved and the objectives already met (short-term and mid-term objectives cp. above) will be ensured. As the sub-projects are designed in conformity with each other, maximum efficiency by their subsequent implementation should be achieved. The schedule for the implementation of the twinning project will be elaborated in a correlative way and with exchange of current information that would contribute to attaining better results in projects' implementation.

All training activities shall be sustainable (train trainers, manuals etc.) In order to guarantee the sustainability of the project all presentations made during the training seminars will be included in a Training manual, which could be used for further training activities beyond of the scope of the project.

In addition, the experts participating in the study visit will compile a report that will be distributed within the administration and train the colleagues on the newly acquired skills as appropriate"

SJC has budget of over 0,3% of GDP and over 60 staff members to accomplish the project tasks.

## 9. Conditionality and sequencing

The project provides support to the parts of the National Strategy for Judicial Reform, which are not implemented yet. The project is based on the success of the previous activities, which are a conditionality and precondition for concluding contracts under TF07. In particular, the beneficiary institutions are also beneficiaries of the project "Strengthening the public management of the judiciary and court administration". The good coordination with the aforementioned project is necessary as well as with other projects dealing with reform of the judiciary.

In particular, the project shall insure support to the reform of the judiciary through improvement its management and administration. The implementation of the project will contribute to the recommendations of the European Commission contained in the Monitoring Reports in 2006. In particular this project will build on the previously implemented projects.

**FINAL**

Before the project starts, there will be defined the tasks and responsibilities of the participating institution. This will be done immediately after the approval of the project and before its beginning. The Supreme Judicial Council and Ministry of Justice will set up a working group for the management of the Project. The work on the project will be done in the conditions of maximum coordination and co-operation with other judiciary institutions and organizations.

The implementation of the newly adopted of the Constitutional Amendment, Judiciary system Act and the Civil Procedural Code will impact on the detailed content of some of the activities. In cases of delay of project implementation, the reasons for this will be analyzed and the necessary measures to overcome the delay will be taken.

#### ANNEXES TO PROJECT FICHE

1. Logical framework matrix in standard format (compulsory)
2. Detailed implementation chart (compulsory)
3. Contracting and disbursement schedule by quarter for full duration of programme (including disbursement period) (compulsory)
4. List of relevant Laws and Regulations (optional)

**FINAL**



ANNEX 1  
Logical framework matrix

LOGFRAME PLANNING MATRIX FOR		Program name and number	End of Execution of contracts period expires:
Strengthening the uniform application of the new procedural legislation in Bulgaria		End of contracting period expires: 15 December 2009	15 December 2010
		Total Budget 1,600 MEUR	TF Budget 1,600 MEUR
Overall objective	Objectively verifiable indicators	Sources of Verification	Assumptions
To improve the public management and transparency of the judiciary and court administration through strengthening the managerial and administrative capacity of the Supreme Court of Cassation (SCC) and Supreme Administrative Court (SAC) to meet new challenges after Bulgarian accession to the EU and apply equally the <i>acquis communautaire</i> and the new civil, penal and administrative procedural legislation.	<p>Harmonization of the Bulgarian procedural legislation application with the EU Law and principles</p> <p>Improved the institutional capacity of the Supreme Court of Cassation (SCC) and Supreme Administrative Court (SAC) to equally apply <i>acquis communautaire</i></p> <p>Increased awareness of citizens on penal, civil, commercial and administrative jurisdiction</p>	<p>Documents for the transition progress of Bulgaria</p> <p>EC monitoring reports and examinations in the field of justice and home affairs</p> <p>Regular reports for the transition progress of Bulgaria</p> <p>Project-specific baseline assessments and Monitoring and Evaluation findings, including public surveys</p>	<p>Judicial system act and auxiliary legislation adopted and implemented</p> <p>Active involvement of the project beneficiaries</p>
Project purposes	Objectively verifiable indicators	Sources of Verification	Assumptions
Improvement of institutional capacity of the Supreme Court of Cassation and Supreme Administrative Court and Regional Administrative Courts to apply equally the new penal, civil and administrative procedural legislation.	<ul style="list-style-type: none"> <li>SAC and new regional courts administrative structures established and well functioning;</li> <li>Improved SCC, SAC and regional courts institutional</li> </ul>	<p>Evaluation reports</p> <p>Quarterly and monitoring reports on the progress of the project</p>	<p>Judicial system act and auxiliary legislation adopted and implemented</p> <p>Active involvement of the project beneficiaries</p>

FINAL

	<p>capacity and administration practices;</p> <ul style="list-style-type: none"> <li>• Unified, synchronized, simplified and systematized court administration procedure in SCC and SAC;</li> <li>• Effective internal and external communication practices introduced and implemented in SCC and SAC;</li> <li>• Sustainable coordination mechanism for information exchange between SAC and RAC;</li> <li>• Sustainable mechanism for monitoring of the equal application of the law in different regions;</li> </ul>	<p>Regular reports of implementors</p> <p>Needs assessment reports</p> <p>Guidelines, standards, regulations and other operational documentation produced under the project</p> <p>Documents of organized forums</p> <p>Trainings' documents (programmes, agendas, curricula, lists of participants, etc.)</p> <p>Media publications</p> <p>SCC and SAC reports</p> <p>Web-page with public services provided to access court documentation and court decisions</p>	<p>Active interest of media and professional organizations</p> <p>Adoption of sustainable coordination mechanism for information exchange between judicial institution and Supreme courts.</p> <p>Changes in current legislation supporting the civil procedural law.</p> <p>Successful previous PHARE projects, aimed at establishing unified, synchronized, simplified and systematized public management in judiciary and court administration.</p> <p>Active involvement of other institutions in the judicial system and professional organizations</p>
--	---	---	--

**FINAL**

Results	Objectively verifiable indicators	Sources of Verification	Assumptions
<p><b>Sub-project 1</b>  <b>Strengthening the administrative justice in Bulgaria</b>            1.2. Functional new administrative structures of SAC and regional administrative courts (RAC) and improving their institutional capacity;            1.3. Improved practices of administration of administrative justice by unified, synchronized, simplified and systematized court administration procedure;            1.4. Improved access to court information and administrative justice, accelerated procedure for defence of citizens' rights infringed by public administration officers;            1.5. Sustainable administrative justice with effective internal communications and establishment of court improvement standards;            1.6. Improved transparent and equal application of the law in different regions of the country;            1.7. Organization of International Conference with representatives of EU Administrative Courts and their network.</p>	<ul style="list-style-type: none"> <li>- 28 new RAC structures established</li> <li>- SAC Institutional Development Index (IDI) developed and applied</li> <li>- Exchange of expertise with an European Supreme Administrative Court</li> <li>- Court Improvement Plan standards developed and scoring mechanism in place</li> <li>- Number and type of new and improved services provided</li> <li>- Number of clients served</li> <li>- Standardization and equal treatment of citizens</li> <li>- 6 Court Improvement Plans (CIP) implemented, by percentage completion</li> <li>- Communication Strategy developed and implemented</li> <li>- 6 outreach activities</li> <li>- Enhanced access to justice and court information</li> <li>- Improved the public trust in administrative justice</li> </ul>	<ul style="list-style-type: none"> <li>- Twining reports</li> <li>- Monitoring by EU Delegation</li> <li>- Evaluation reports</li> <li>- Quarterly and Monitoring reports on the progress of the project</li> <li>- Regular reports of contractors</li> <li>- IDI progress assessed and reported</li> <li>- CIP completion to be assessed</li> <li>- The number of person days of training provided by the project</li> <li>- disaggregated by: Judges / Court Staff; Female / Male</li> <li>- Lists of participants in trainings</li> <li>- On-going data collection, reported quarterly</li> <li>- Evaluation of trainings by using exit and 90 days post training evaluations, completed by participants</li> </ul>	<p>Active exchange of expertise with European Supreme Administrative Courts and EU Courts</p> <p>Agreements with RACs outlining the specific objectives to be accomplished as well as the schedule for completion.</p> <p>Twining reports and monitoring by EU Delegation; overall Users satisfaction on the functioning and usefulness to the publicly accessible information</p> <p>Conditions in place for the establishment of sustainable administrative justice with effective internal communications and establishment of court improvement standards</p>
<p><b>Sub-project 2</b>  <b>Strengthening the penal, civil and commercial justice in Bulgaria</b>            2.1. Improving of the administrative structures and institutional capacity of SCC to effectively</p>	<ul style="list-style-type: none"> <li>- SCC Institutional Development Index (IDI) developed and applied</li> </ul>	<ul style="list-style-type: none"> <li>- Twining reports</li> <li>- Monitoring by EU Delegation</li> <li>- Evaluation reports</li> </ul>	<p>Active exchange of expertise with European Supreme Courts of Cassation</p>

<p>coordinate and control equally application of the new penal and civil procedural legislation;</p> <p>2.2. Improved practices of administration of justice by unified, synchronized, simplified and systematized court administration procedure and effective implementation of the random case assignment;</p> <p>2.3. Sustainable administration of justice with effective internal communications and establishment of court improvement standards;</p> <p>2.4. Improved transparency and access to court information in Supreme Court of Cassation;</p> <p>2.5. Organization of International Conference with representatives of EU Supreme Courts and their network.</p>	<ul style="list-style-type: none"> <li>- Exchange of expertise with European Supreme Courts of Cassation</li> <li>- Improvement Plan standards developed and scoring mechanism in place</li> <li>- Number and type of new and improved services provided</li> <li>- Number of clients served</li> <li>- Court Improvement Plan (CIP) implemented, by percentage completion.</li> <li>- Communication Strategy developed and implemented</li> <li>- 6 outreach activities</li> </ul>	<ul style="list-style-type: none"> <li>- Quarterly and Monitoring reports on the progress of the project</li> <li>- Regular reports of contractors</li> <li>- On-going data collection, reported quarterly</li> <li>- IDI Progress reported semi-annually</li> <li>- Improvement plans completion to be assessed</li> <li>- The number of person days of training provided by the project disaggregated by: Judges / Court Staff; Female / Male</li> <li>- Evaluation of trainings by using exit and 90 days post training evaluations, completed by participants</li> </ul>	<p>Twining reports and monitoring by EU Delegation;</p> <p>overall users satisfaction on the functioning and usefulness to the publicly available court information and decisions</p> <p>Conditions in place for the establishment of sustainable administrative justice with effective internal communications and establishment of court improvement standards</p>
---	---	--	--

Activities	Means	Assumptions
<p><b>Sub-project 1.</b>  <b>Strengthening the administrative justice in Bulgaria</b></p> <p><b>1.1 Exchange of experience with EU Administrative Courts</b></p> <p>1.1.1. Specific tailored meetings, site visits and presentations of good practices.</p> <p>1.1.2. Exchange of information on functioning of the EU Administrative Courts.</p> <p>1.1.3. Provision of 2 national seminars to discuss</p>	<ul style="list-style-type: none"> <li>- Selection of a twinning partner and signing of the Twining Covenant</li> <li>- Appointment of RTA</li> <li>- Set up of the Working group under the project</li> <li>- Organization of 2 study visits,</li> </ul>	<ul style="list-style-type: none"> <li>- Considerable commitment on behalf of the participants in the Working group, the civil servants and magistrates involved in the</li> </ul>



<p>the roles and functions of SAC in the network of EU administrative courts.</p> <p>1.1.4. Implementation of the recommended techniques to improve management structure and processes in the SAC and the regional courts</p> <p>1.1.5. Dissemination of the information through: collection of case studies and good practices</p> <p>1.1.6. Organizing International Conference with representatives of EU Administrative Courts and their network</p>	<p>seminars, - Collection of case studies and good practices elaboration and publishing</p>	<p>project implementation</p> <ul style="list-style-type: none"> <li>- Willingness and active interest of the participants</li> <li>- Support from SJC, other financial and budget institutions</li> </ul>
<p><b>1.2 Enhanced administration of the Bulgarian administrative justice</b></p> <p>1.2.1. Comprehensive assessment of the Bulgarian system of the state of the administrative justice in strategic planning and management capacity development</p> <p>1.2.2. Needs assessment and recommendations for possible changes in internal regulations related to the administration of the SAC and regional administrative courts</p>	<ul style="list-style-type: none"> <li>- Working meetings, baseline data collection</li> <li>- Design and conduct needs assessment</li> <li>- Needs assessment implementation</li> </ul>	<ul style="list-style-type: none"> <li>- Well targeted dissemination of information.</li> <li>- Seminars fully completed</li> <li>- The successful implementation of these activities involve setting-up on the infrastructure, know-how transfer of all the requisite tools, knowledge and skills</li> </ul>
<p>1.2.3. Development of a strategic plan for improvement of court administration on SAC and regional administrative courts and program for its implementation</p> <p>1.2.4. Development of draft internal rules for operations of SAC and RACs as well as other relevant draft legislation if needed</p> <p>1.2.5. Development of capacity building training programmes, materials and curricula on administration of administrative justice and pilot training implementation (groups: Supreme magistrates; Regional magistrates; Supreme administrative staff; Regional administrative staff) in connection with the new system and</p>	<ul style="list-style-type: none"> <li>- Design and delivery of 6 capacity building trainings</li> <li>- Curriculum development</li> <li>- Design and development of training materials</li> <li>- Design and delivery of 2 pilot trainings</li> <li>- Design and establishment of internal rules and standards for operation</li> </ul>	

**FINAL**

<p>structure of administrative procedure</p> <p>1.2.6. Four pilot series of 5 intensive trainings will be designed to give participants (magistrates and administrative staff) the communication, management, and networking skills to more effectively organize and serve to society. The trainings will not only build the skills of the participants; it will result in better inter-relations between Supreme Court and Regional Courts. The actual training content will be designed after conducting a needs assessment.</p> <p>1.2.7. Development of sustainable coordination mechanism for information exchange between SAC and RAC (Regional Administrative Courts) in order to assess the needs for trainings and improvements of their operations. This will allow standardization and equal treatment of citizens.</p> <p>1.2.8. Development of sustainable mechanism for monitoring of the uniform application of the law in different regions and institutional strength of SAC and RAC. This will enhance access to justice and will improve the public trust in judiciary.</p> <p><b><u>Sub-project 2.</u></b>  <b>Strengthening the penal, civil and commercial justice in Bulgaria</b></p> <p><b>2.1. Exchange of expertise with European Supreme Courts</b></p> <p>2.1.1. Specific tailored meetings, site visits and presentations of good practices</p> <p>2.1.2. Exchange of information on functioning of</p>	<p>- 6 meetings between judges and court staff at different levels and follow-up mechanism to monitor the outcomes of the undertaken activities</p>	
--	---	--

**FINAL**

<p>the European cassation jurisdiction</p> <p>2.1.3. Provision of 2 national seminars to discuss the roles and functions of SCC in the network of EU courts;</p> <p>2.1.4. Implementation of the recommended techniques to improve management structure and processes in the SCC</p> <p>2.1.5. Dissemination of the information through: collection of case studies and good practices</p> <p>2.1.6. Organizing International Conference with representatives of EU Supreme Courts and their network</p> <p><b>Sub-project 2.2</b>  <b>Enhanced administration of the Bulgarian civil, commercial and criminal justice</b></p> <p>2.2.1. Comprehensive assessment of the Bulgarian system of the state of the civil, commercial and penal justice in strategic planning and management capacity development</p> <p>2.2.2. Development a strategy for improvement of court administration on SCC and action plan for its implementation</p> <p>2.2.3. Needs assessment for possible changes in internal regulations related to the administration of justice in the Supreme Court of Cassation;</p> <p>2.2.4. Providing recommendations to improving internal rules for operations of SCC.</p> <p>2.2.5. Organizing regular workshops between judges at different levels and follow-up mechanism to monitor the outcomes from these meetings, including court staff;</p> <p>2.2.6. Development of sustainable mechanism for monitoring of the uniform application of the law in different regions and institutional strength of</p>	<ul style="list-style-type: none"> <li>- Selection of a twinning partner and signing of the Twinning Covenant</li> <li>- Appointment of RTA</li> <li>- Set up of the Working group under the project</li> <li>- Organization of 2 study visits,</li> <li>- Collection of case studies and good practices elaboration and publishing</li>   <li>- Working meetings, baseline data collection</li> <li>- Design and conduct needs assessment</li>   <li>- Design and establishment of internal rules and standards for operation</li> <li>- 6 meetings between judges and court staff at different levels and follow-up mechanism to monitor the outcomes of the undertaken activities</li> </ul>	<ul style="list-style-type: none"> <li>- Considerable commitment on behalf of the participants in the Working group, the civil servants and magistrates involved in the project implementation</li> <li>- Well targeted dissemination of information.</li> <li>- Seminars fully completed</li> <li>- Willingness and active interest of the participants</li> <li>- The successful implementation of these activities involve setting-up on the infrastructure, know-how transfer of all the requisite tools, knowledge and skills.</li> </ul>
--	---	--

**FINAL**

<p>SCC. This will enhance access to justice and will improve the public trust in judiciary 2.2.7. Development of sustainable coordination mechanism for information exchange in order to assess the needs for trainings and improvements of SCC operations for uniform application of the legislation.</p>	<p>- Needs assessment implementation</p>		
--	--	--	--

**FINAL**



ANNEX 2

Detailed implementation chart

Project title: Strengthening the public management of the judiciary and court administration

ACTIVITIES	2007			2008						2009													
	S	O	N	D	J	F	M	A	M	J	J	A	M	A	M	J	J	A	S	O	N	D	
Sub-project 1 &2			T	T	T	T	T	C	I	I	I	I	I	I	I	I	I	I	I	I	I	I	X

- T = Tendering
- C = Contracting period
- I = Implementation
- X = Closure

**FINAL**

**ANNEX 3**

**Contracting and disbursement schedule by quarter for full duration of programme**  
*(In Million Euro)*

	2007	2008	2008	2008	2008	2008	2008	2008	2008	2008	2009	2009	2009	2009	2009
	Q 4	Q 1	Q 2	Q 3	Q 4	Q 1	Q 2	Q 3	Q 4	Q 1	Q 2	Q 3	Q 4	Q 1	Q 2
<b>Sub-projects 1 &amp; 2</b>															
<b>Contract 1: Twinning</b>			1.6												
<b>Contracted</b>			0.4	0.6	0.8	1.0	1.2	1.4	1.6						
<b>Disbursed</b>															

**FINAL**

**ANNEX 4**

**List of relevant Laws and Regulations**

***Bulgarian legislation and regulations***

1. Constitution of the Republic of Bulgaria
2. Judicial System Act
3. Judicial Reform Strategy and the Action Plan
4. Ordinance for organization of the court administration
5. Internal Rules of SJC
6. Court decisions of Constitutional Court

***EU Judicial Cooperation***

7. Convention of 25 Mai 1987 between the Member States of the European Community, related to the implementation of the non bis in idem principle
8. Agreement of 25 Mai 1987 related to the implementation, between the Member States of the European Community, of the Convention of the Council of Europe on the surrender of indicted persons
9. Agreement of 6 November 1990 between the Member States of the EU related to the transmission of repressive procedures
10. Convention of 19 June 1990 for the implementation of the Schengen Agreement of 14 June 1985
11. Convention of 13 November 1991 between the Member States of the European Community on the carrying out of foreign criminal indictments
12. Convention of 26 July 1995 related to the protection of financial interests of the European Community
13. Convention of 26 Mai 1997 related to the fight against corruption concerning the European Community agents or Member States agents
14. Convention of 17 June 1998 related to the forfeiture decisions concerning the right to drive
15. Joint action of 29 June 1998 related to the good practice for judicial cooperation in criminal matters
16. Convention of 29 Mai 2000 related to the judicial cooperation in criminal matters between the Member States of the EU
17. Protocol of 16 October 2001 to the Convention on judicial cooperation in criminal matters between the Member States of the EU
18. Council Decision 2005/876/JAI of 21 November 2005 related to the information exchange extracted from the criminal record
19. Action Plan of the Council and the Commission on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice - Text adopted by the Justice and Home Affairs Council of 3 December 1998. Official Journal C 019 , 23/01/1999.
20. Charter of fundamental rights of the European Union, OJ C 364 of 18 December 2000.
21. Council Decision of 20 December 2000 establishing a Programme relating to the Community framework strategy on gender equality (2001-2005) (OJ L 017 19.01.2001 p. 22)
22. Council Decision of 19 May 2003 on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Bulgaria.

**FINAL**

23. Regulation (EC) No 460/2004 of the European Parliament and of the Council of 10 March 2004 establishing the European Network and Information Security Agency (Text with EEA relevance)
24. European Network of Judicial Councils in the EU. Joint action of 29 June 1998 concerning the creation of a European judicial network.
25. Statute of the Iberoamerican Judge, 23-25 May 2001 (VI Iberoamerican Summit of Presidents of Supreme Courts and Tribunals of Justice).
26. Decision xxxx of 28 February 2002 instituting Eurojust
27. Council Framework-Decision 2002/465/JAI of 13 June 2002 related to the common teams of investigation
28. Council joint action 96/277/JAI of 22 April 1996 concerning a framework of exchange of magistrates of connection aiming to the improvement of the judicial co-operation between the Member States of the European Union
29. Council Framework-Decision 2003/577/JAI of 22 July 2003 related to the carrying out in the European Union of decisions for the freezing of assets or elements of proof
30. Council Framework-Decision xxxx of xxxx related to the application of the mutual recognition principle to the decisions of confiscation
31. Council Framework-Decision xxxx of xxxx related to the evidence obtention warrant
32. Council Framework-Decision 2005/214/JAI of 8 Mai 2003 concerning the application of the mutual recognition principle to financial sanctions

#### **Other Regulations**

33. Resolution Res(73)23 on harmonisation measures in the field of legal data processing in the Member States of the Council of Europe.
34. Recommendation Rec(80)3 concerning teaching, research and training in the field of "computers and law".
35. Recommendation No R (81)7 on measures facilitating access to justice .
36. Recommendation Rec(83)3 concerning the protection of users of computerised information services.
- Recommendation No R (86) 12 concerning measures to prevent and reduce the excessive workload in the courts .
37. Recommendation Rec(92)15 concerning teaching, research and training in the field of law and information technology.
38. Recommendation No R (94) 12 on the independence, efficiency and role of judges .
39. Recommendation Rec(95)11 concerning the selection, processing, presentation and archiving of court decisions in legal information retrieval systems.
40. Resolution (97) 24 on the twenty Guiding Principles for the fight against corruption .
41. Resolution (98) 7 Authorising the partial and enlarged agreement establishing the "Group of States against Corruption - GRECO".
42. Resolution (99) 5 Establishing the "group of states against corruption - GRECO".
43. Recommendation No. R (2000) 10 on codes of conduct for public officials and Model code of conduct for public officials (Appendix to the Recommendation).
44. Recommendation No R (2000) 19 on the role of public prosecution in the criminal justice system
45. Recommendation No R (2000) 21 on the freedom of exercise of the profession of lawyer .
46. Recommendation No R (2001) 2 concerning the design and re-design of court systems and legal information systems in a cost-effective manner .
47. Recommendation No R (2001)3 on the delivery of court and other legal services to the citizen through the use of new technologies .
48. Recommendation Rec(2003)14 on the interoperability of information systems in the justice sector
49. European Charter on the Statute for Judges - DAJ/DOC (98)23 .
50. Model Statute for a European Rechtspfleger/Greffier.

**FINAL**

51. Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from 26 August to 6 September 1985 and endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985, UN
52. UN Convention against Corruption, Merida 2004.
53. Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms. Strengthening of the rule of law. Report of the Secretary-General. General Assembly. 1 October 2004, UN.
54. Consideration of the draft United Nations Convention against Corruption, with particular emphasis on articles 40-50 and chapters IV-VIII. Revised draft United Nations Convention against Corruption. General Assembly. 26 March 2002. Ad Hoc Committee for the Negotiation of a Convention against Corruption.
55. Consideration of the draft United Nations Convention against Corruption Revised draft United Nations Convention against Corruption. General Assembly. 29 January 2002. Ad Hoc Committee for the Negotiation of a Convention against Corruption.
56. Report of the Meeting of the Intergovernmental Open-Ended Expert Group to Prepare Draft Terms of Reference for the Negotiation of an International Legal Instrument against Corruption. General Assembly. 8 August 2001. Meeting of the Intergovernmental Open-Ended Expert Group to Prepare Draft Terms of Reference for the Negotiation of an International Legal Instrument against Corruption. UN
57. Meeting of the Intergovernmental Open-Ended Expert Group to Prepare Draft Terms of Reference for the Negotiation of an International Legal Instrument against Corruption. Draft report. General Assembly. 2 August 2001
58. Follow-up to the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders Draft Plans of Action for the implementation during the period 2001-2005 of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century
59. Report of the Secretary-General. Economic and Social Council. 27 March 2001.
60. Crime prevention and criminal justice. Report of the Secretary-General. General Assembly. 5 July 2000

**FINAL**

Final October 2007

**FINAL**

A handwritten signature in black ink, consisting of a stylized, cursive-like mark.

**FINAL**