

[Home](#) > ... > [Training, Judicial Networks and Agencies](#) > [Training of Justice Professionals](#) > [National Training Systems](#) > [Initial Training of Judges and Prosecutors In The European Union](#) > Bulgaria

Initial training of judges and prosecutors in the European Union

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Bulgaria



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General description

Initial training of junior judges, junior prosecutors and junior investigating magistrates is compulsory according to art. 249 (1) p.1 and 258, Judiciary System Act. The trainees follow curricula, differentiated by the professions they are preparing for: junior judges, junior prosecutors and junior investigating magistrates. The status of the candidates for junior judges, junior prosecutors and junior investigating magistrates is regulated by the Rules for the Training of the Candidates for Junior Judges, Junior Prosecutors, and Junior Investigating Magistrates. The number of trainees fluctuates each year and is determined by the vacant positions, designated by the respective chamber of the Supreme Judicial Council (SJC).

NIJ also conducts a mandatory training for the regional and district judges, prosecutors, and administrative judges appointed by a centralized competition for initial appointment, as per art. 249(1) p.2, JSA. They are required to undergo during the first year after entry into office a mandatory induction training (art. 259, JSA). The training curricula are differentiated according to the magistrates' functions (judges, administrative judges, prosecutors, investigating magistrates) and the level of competence (regional, district).

Initial and introductory training (in [English](#) and [Bulgarian](#))

JSA (in [English](#) and [Bulgarian](#))

[Internal Rules for Organization and Procedure of the Training Activity of the Institute](#) (in Bulgarian)

[Rules for the Training of the Candidates for Junior Judges, Junior Prosecutors, and Junior Investigating Magistrates](#) (in Bulgarian)

The training of lawyers is conducted by the [Attorney's training Centre "Krustiu Tsonchev"](#).

Access to the initial training

The primary route for recruitment in the judiciary is the institute of the junior judges, junior prosecutors, and junior investigating magistrates. The candidates seeking to become junior magistrates have to successfully pass centralized competitions, organized by the respective chamber of the Supreme Judicial Council (SJC). According to article 176, par. 1, JSA, the respective chamber of the SJC announces the annual competition. Applicants should be Bulgarian citizens; they need to have a university degree in law and to have obtained the legal competency completing the internship under the JSA, and to possess the required moral and professional qualities, according to the Code for Ethical conduct of Bulgarian Magistrates.

The conditions, requirements, and organization of the centralized competitions are set out in Section II of the JSA. According to article 184, JSA the competition consists of a written and oral exam, graded on a 6-point scale. The written exam consists of a case study, assessing the candidate's knowledge and skills. An integral part of the competition is the test on EU law and human rights. The oral exam constitutes an interview with the

candidate on questions of the respective fields of law, as well as on questions of the Code of Ethical Behavior of Bulgarian Magistrates, according to a compendium published in advance. Those who pass the exams then become candidates for junior judges, prosecutors, and investigating magistrates and are supposed to complete the compulsory 9-month initial training at the NIJ. Upon successful completion of the initial training course, the trainees become junior judges, junior prosecutors, and junior investigating magistrates and work for 2 years under the supervision of an experienced mentor. The mentorship practice plays an integral part in the training of junior judges, junior prosecutors, and junior investigating magistrates. The mentors receive in-depth practical training by NIJ on how to most effectively perform their role.

Another route for recruitment in the judiciary is the procedure set out in art. 178, para.1, JSA. The respective chamber of the SJC designates vacant positions in the regional, district courts, respective prosecution offices, administrative courts and in the investigating authorities to be occupied by competition for an initial appointment. The number of vacant positions is determined by taking into consideration the needs of the respective judicial authority. The selection is based on a competitive examination, including written and oral examination (art. 184 JSA). The successful candidates are appointed as judges, administrative judges, prosecutors, and investigating magistrates. Unlike the competition for junior magistrates, there is a requirement for professional experience: 3 years for becoming a magistrate at regional level and 8 years for becoming a district judge, administrative judge, district prosecutor or investigating magistrate. The appointed candidates are required to undergo during the first year after upon into office a mandatory induction training (art. 259, JSA) at NIJ. A mentor judge or prosecutor is assigned to them as per art. 259 JSA.

[JSA](#) (in English)

Code for Ethical Conduct of Bulgarian Magistrates (in [English](#) and [Bulgarian](#))

Format and content of the initial training

The compulsory initial training for the candidates for junior magistrates is nine-month as per art. 258 (1), JSA.

The induction training under art. 249 (1), p.2 JSA for newly appointed judges, administrative judges, prosecutors, and investigating magistrates at regional and district level, is with an average duration of one month, consisting of online modules and face-to-face training sessions.

A programme council provides the NIJ with advisory support on preparation and update of the training programs for initial and induction training. They are endorsed by the NIJ management board after coordination with the SJC.

The aim of the initial and induction training programs is to develop multifunctional competences, including legal professional skills, judicial ethics and non-legal competencies related to the awareness of the economic, social and cultural context. EU law training is essential for ensuring the trainees' understanding of the role of EU law in national legal systems and the rule of law. The European law is integrated into the national training program as well as delivered in standalone modules. The NIJ elaborated a set of EU self-learning resources on European law, which are accessible 24/7 to all entrants in the judicial professions:

- National courts and the law of the EU
- Procedures of the European Court of Justice
- Administrative courts and the law of the EU
- European citizenship and internal EU policies
- Judicial cooperation in civil matters in EU
- Judicial cooperation in criminal matters in EU

A legal language self-learning resource in English is also available on the online training platform, consisting of video-presentations, self-study exercises and self-testing tools.

The training of candidates for junior magistrates is delivered by permanent and temporary trainers of the Institute. The rules for the selection of NIJ trainers are set out in JSA and the Internal Rules for Organization and Procedure of the Training Activity of the Institute. The training is predominantly delivered by judges and prosecutors; experts outside the judiciary are seconded temporarily on specialized topics where such expertise is needed.

The methodology of training is hands-on, including mock trials, role plays, assigning practical tasks and exercises, cooperative learning, small group activities, discussions, study visits, case studies, brainstorming, snowball, disputes, etc.

The NIJ actively participates in the EJTN AIAKOS Program in the THEMIS competition. Bilateral cooperation with judicial training institutions across Europe also plays an important role in the initial training program of the Institute in terms of exchange of good practices and professional experiences. In 2021 Bulgarian candidates for junior judges along with their peers from the Escuela Judicial, Spain participated in a joint online mock trial, discussing the recognition and enforcement of a request under the European investigation order.

Compulsory initial training (in [English](#) and [Bulgarian](#))

[Internal Rules for Organization and Procedure of the Training Activity of the Institute](#) (in Bulgarian)

Termination of the initial training and qualification process

After completing the 9-month training, the candidates for junior judges, prosecutors and investigating magistrates take the final examination. The SJC is responsible for the final exams in coordination with the NIJ initial training department. The exam commissions are appointed by the respective chamber of the SJC by a draw. They select cases and formulate questions for the trainees. The exam commissions are composed by:

- for the written and oral exams of the candidates for junior judges - 5 judges from the district and appellate courts and 2 reserve members
- for the exams of the candidates for junior prosecutors - 5 prosecutors from the district and appellate prosecution offices and 2 reserve members;
- for the exams of the candidates for junior investigating magistrates - 5 prosecutors from the district and appellate prosecution offices and 2 reserve members.

The candidates for junior judges have written exams in civil law and procedure and criminal law and procedure. During the 6-hours written exams the candidates for junior judges are required to write a judgment. In the course of the oral exams the trainees are expected to give legal solutions to real cases.

The candidates for junior prosecutors have written and oral exams in criminal law and procedure. They are required to write an indictment or other prosecutorial act and answer the questions of the exam commission.

The candidates for junior investigating magistrates have written and oral exams in criminal law and procedure. They should prepare a motion for an indictment of the accused person. The oral exam includes answering practical questions on a real case.

The results of the exams are graded on a six-point scale. An average grade is obtained based on the marks from the written and oral examination, which is further submitted to the respective chamber of the Supreme Judicial Council. A candidate for junior judge, junior prosecutor, and junior investigating magistrate needs to have an average grade not lower than "very good 4.50". Those who fail to pass the exams, take a new written and oral examination, scheduled for a date which is not earlier than one month and not later than two months after the announcement of their grade. If a candidate receives again a score lower than "very good 4.50" s/he shall not be appointed for a junior judge, prosecutor or investigating magistrate. The Rules for the organization and procedure for conducting exams of the candidates for junior judges, junior prosecutors, and junior investigating magistrates at the end of the training in the NIJ regulate the exam procedure.

The newly-appointed judges, administrative judges, prosecutors, and investigating magistrates at regional and district level are required to actively participate in the induction training at the NIJ. During the training, their progress is assessed by various measures and tools of formative assessment, including feedback from participation in discussions, case studies, group activities, questions and answers sessions and self-presentation.

[Rules for the organization and procedure for conducting exams of the candidates](#) for junior judges, junior prosecutors, and junior investigating magistrates at the end of the training at the NIJ. (in Bulgarian)

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