

## Bulgaria

This page provides information about the legal professions in Bulgaria. Legal professions: Introduction Prosecutors Investigators Judges Organisation of the legal profession: Attorneys-at-law Notaries Other legal professions

**Legal professions: Introduction**

The main legal professions in Bulgaria are: **public prosecutor, investigator, judge, attorney-at-law, notary, private bailiff, State bailiff and registration judge**. They are governed by the Constitution of the Republic of Bulgaria and the Judicial System Act.

**Prosecutors****Organisation**

The public prosecution service in the Republic of Bulgaria consists of the Prosecutor-General, the Supreme Cassation Prosecutor's Office, the Supreme Administrative Prosecutor's Office, the National Investigation Service, the appeal prosecutors' offices, the Specialised Appeal Prosecutor's Office, the Military Appeal Prosecutor's Office, the provincial prosecutors' offices, the Specialised Prosecutor's Office, the provincial military prosecutors' offices and the district prosecutors' offices. Within the structure of the provincial prosecutors' offices, there are provincial investigation departments, and within the structure of the Specialised Prosecutor's Office, there is an Investigation Department. The provincial prosecutors' offices have administrative departments whose prosecutors take part in the proceedings of administrative cases.

The public prosecution service is a unified and centralised structure. All prosecutors and investigators are subordinate to the Prosecutor-General. Each prosecutor reports to the respective superior prosecutor, and all prosecutors and investigators are subordinate to the administrative head of the respective prosecutor's office. Military prosecutors and investigators are independent of the military authorities in the performance of their duties.

The Prosecutor-General is appointed (and removed) by the President of the Republic of Bulgaria, acting on a proposal from the [Supreme Judicial Council \(Vissh Sadeben Savet\)](#) (VSS) for a period of seven years, and is not eligible for a second term in office.

Prosecutors are appointed, promoted, demoted, transferred and removed from office by decision of the Supreme Judicial Council.

Prosecutor posts and the prior experience required are as follows:

Prosecutor at the Supreme Cassation Prosecutor's Office and prosecutor at the Supreme Administrative Prosecutor's Office – at least 12 years' legal experience;

- Prosecutor at the Appeal Prosecutor's Office, prosecutor at the Military Appeal Prosecutor's Office and prosecutor at the Specialised Appeal Prosecutor's Office – at least ten years' legal experience, but for a prosecutor at the Specialised Appeal Prosecutor's Office – at least 12 years' experience, at least eight of them as a prosecutor or investigator;

- Prosecutor at a provincial prosecutor's office, prosecutor at a provincial military prosecutor's office, prosecutor at the Specialised Prosecutor's Office – at least eight years' legal experience, but for a prosecutor at the Specialised Prosecutor's Office – at least ten years' experience, at least five of them as a prosecutor or investigator;

- Prosecutor at a district prosecutor's office – at least three years' legal experience;

- Junior prosecutor – no experience required.

Subject to a positive comprehensive appraisal of performance, prosecutors acquire tenure by decision of the Supreme Judicial Council after five years in office.

**Role and functions**

The **Prosecutor-General** heads the Prosecutor's Office and issues instructions and guidance on the activities of the public prosecution service; together with ministry managers and State institutions, he or she sets up specialised inter-departmental units to assist in investigations under the procedural guidance of a prosecutor appointed by him or her. The Prosecutor-General may refer matters to the Constitutional Court.

The **prosecutor** leads an investigation as supervising prosecutor. He or she may lodge objections and request the revocation or amendment of unlawful measures within the time limits and under the conditions provided for by law. He or she may suspend the execution of a measure until an objection has been considered by the relevant authority. All acts and deeds of a prosecutor's office are open to appeal before the prosecutors' office directly above it, unless they are subject to judicial review. A superior prosecutor or a prosecutor from a superior prosecutor's office can perform actions falling within the jurisdiction of subordinate prosecutors, and can suspend or revoke their decisions in writing in cases specified by law.

In the performance of their duties, prosecutors are independent and act in accordance with legislation. Politically neutral, they base their decisions on the law and on the evidence gathered in the case at hand, and are guided by their conscience and inner conviction.

More information can be found on the website of the [Public Prosecutor's Office of the Republic of Bulgaria](#) (Prokuraturata na Republika Bulgaria).

The Association of Public Prosecutors in Bulgaria is a voluntary non-political association of magistrates who work or have worked in the country's public prosecution system. The aim of the Association is to bring together prosecution-service magistrates nationwide and provide a forum for the provision of necessary information and the exchange of views on issues relating to prosecutorial work, as well as to expand the international contacts of the public prosecution service and its prosecutors. More information can be found on the Association's website: - <http://ecocrime.bg>.

**Investigators**

Under the Judiciary Act, investigators in the Republic of Bulgaria have the status of magistrates (judges and prosecutors).

Investigative bodies are the National Investigation Service (NSIS), the provincial investigation departments at the provincial prosecutors' offices and the investigation department at the Specialised Prosecutor's Office. The investigation department at the Sofia City Prosecutor's Office has the status of a provincial investigation department.

The National Investigation Service is headed by the Prosecutor-General, either directly or through the Service's Director, who deputises for the Prosecutor-General for the purpose of investigations. The Director of the National Investigation Service is responsible for the administrative and organisational management of the investigators and staff at the NIS and provides methodological guidance to investigators from the provincial investigations services of the provincial prosecutors' offices.

The provincial investigation departments at the provincial prosecutors' offices and the investigation department at the Specialised Prosecutor's Office are made up of investigators.

The investigators at the provincial investigation departments of the provincial prosecutors' offices and at the investigation department of the Specialised Prosecutor's Office undertake investigations into cases assigned to them by the administrative head of the respective prosecutor's office.

When carrying out their tasks in connection with criminal proceedings, the investigating authorities act under the direction and supervision of a public prosecutor.

Orders issued by investigators in the course of an investigation are binding on all State bodies, legal entities and citizens.

## **Judges**

Judges in Bulgaria are appointed, promoted and demoted, transferred and removed from office by decision of the Supreme Judicial Council.

### **Organisation**

The following positions exist for judges who possess the requisite experience:

Judge at the Supreme Court of Cassation and judge at the Supreme Administrative Court – at least 12 years' legal experience;

Judge at a court of appeal, judge at a military court of appeal, judge at the Specialised Criminal Court of Appeal – at least ten years' legal experience, but for a judge at the Specialised Criminal Court of Appeal – at least 12 years' experience, at least eight of them as a judge in criminal cases;

Judge at a provincial court, judge at an administrative court, judge at a military court, judge at the Specialised Criminal Court – at least eight years' experience, but for a judge at the Specialised Criminal Court – at least ten years' experience, at least five of them as a judge in criminal cases;

Judge at a district court – at least three years' experience;

Junior judge – no previous experience required.

Subject to a positive comprehensive appraisal of their performance, judges acquire tenure by decision of the Supreme Judicial Council after five years in office.

The **Union of Judges in Bulgaria** (SSB) was established in Sofia on 28 March 1997 by 30 founding members, including judges from the Supreme Court of Cassation and provincial and district courts across the country.

The Union of Judges in Bulgaria succeeded the Union of Bulgarian Judges, founded in 1919 and active until 1945, as an informal professional organisation bringing together the community of judges and aiming to protect its professional interests as well as to discuss and find solutions to its problems.

More information can be found on the website of the [Union of Judges in Bulgaria](#) (Sayuzat na Sadiite v Bulgaria).

**The Bulgarian Judges Association was created** to guarantee the public fairness, transparency and access to justice.

Within the framework of the judicial system, the Association strives to work in compliance with the Constitution and statutory provisions, while at the same time following the rules of professional ethics. More information can be found on the website of the Bulgarian Judges Association - <https://judgesbg.org>.

### **Role and functions**

The Union of Judges in Bulgaria compiles dossiers, including on disciplinary proceedings against judges, mediates in disputes between judges and other civil servants, provides assistance to the legislature during the legislative process, keeps records and issues its own journal.

### **Judicial assistants and prosecutorial assistants**

Judicial assistants are employed at the provincial and administrative courts, the courts of appeal, the Supreme Court of Cassation and the Supreme Administrative Court.

Prosecutorial assistants work at the provincial and appellate prosecutor's offices, the Supreme Cassation Prosecutor's Office and the Supreme Administrative Prosecutor's Office.

Persons who meet the requirements laid down for the position of judge, prosecutor or investigator and have passed a competitive examination for judicial officers are appointed as judicial assistants or prosecutorial assistants.

Judicial assistants are appointed by the administrative head of the relevant court. Prosecutorial assistants are appointed by the Prosecutor-General or the administrative head of the relevant prosecutor's office.

## **Organisation of the legal profession: Attorneys-at-law**

### **Attorneys-at-law**

In Bulgaria, attorney-at-law is a profession laid down in the Constitution. Only persons who have taken an appropriate oath and are entered in the register of a bar association may be attorneys-at-law. Each judicial district of a provincial court has a bar association. These are subordinate to the Supreme Bar Council, whose seat is in Sofia. The status, rights and obligations of attorneys-at-law are governed by the Bulgarian Bar Act.

The **Supreme Bar Council** is a legal entity comprising representatives of the bar associations, the representation ratio being one delegate per 40 attorneys-at-law.

The Supreme Bar Council convenes and organises meetings of the General Assembly of Bulgarian Attorneys-at-Law, executes its decisions and prepares and submits reports to the General Assembly, determines the initial and annual contributions of attorneys-at-law to its budget, issues ordinances in line with the Bar Act, rules on appeals against unlawful decisions of general assemblies of bar associations and against the legality of election of bar councils, rules on appeals and protests against decisions of bar councils on the admission to traineeships of attorneys-at-law and against refusals to register attorneys-at-law, ensures and endorses expenditure in relation to the operation of the Supreme Control Board and the Supreme Disciplinary Tribunal.

The Supreme Bar Council keeps a register of attorneys-at-law, one of junior attorneys-at-law and of law firms, and one of foreign attorneys-at-law who have the right to appear as defence counsels before Bulgarian courts.

### **Legal database**

More information can be found on the website of the [Supreme Bar Council](#) (Visshiyat Advokatski Savet).

## **Notaries**

### **Organisation**

A notary is a person appointed by the State to perform the notarial activities provided for by law. In the performance of his or her functions, a notary is independent and must comply solely with the law. The Minister for Justice oversees the activities of all notaries as regards compliance with the law and the statute of the Chamber of Notaries.

The status, rights and obligations of notaries are governed by the Bulgarian Notaries and Notarial Activities Act.

### **Role and functions**

The [Chamber of Notaries](#) (Notariálnata Kamara) is an organisation of notaries in the Republic of Bulgaria founded under the Notaries and Notarial Activities Act. All notaries are members, as of right, of the Chamber of Notaries, which has legal personality and is based in Sofia.

The governing bodies of the Chamber of Notaries are the General Assembly, the Council of Notaries, the Supervisory Board and the Disciplinary Committee. The Chamber of Notaries is represented by the President of the Council of Notaries.

The Chamber of Notaries organises and provides support for notaries' activities, protects and promotes the prestige of the profession and maintains relations with international organisations pursuing similar activities.

More information can be found on the website of the [Chamber of Notaries](#) (Notarialnata Kamara).

## Other legal professions

### Private bailiffs

A private bailiff is a person to whom the State assigns the enforcement of private claims and the collection of public receivables. The area in which a private bailiff operates is the geographical jurisdiction of the relevant provincial court.

The **mission of the Chamber of Private Bailiffs** is to promote the profession and improve the enforcement process in Bulgaria, while supporting its members and protecting the public interest.

### Legal database

The [Chamber of Private Bailiffs](#) (Kamarata na Chastnite Sadebni Izpalniteli) keeps a register of private bailiffs.

The register is public and can be accessed via the Chamber's website. Everyone has the right to inspect the register and obtain extracts from it (Private Bailiffs Act).

Private bailiffs are required to submit to the Ministry of Justice six-monthly and annual activity reports, on the basis of which the Minister for Justice builds up, maintains and develops a judicial-enforcement information system. The Ministry of Justice charges a fee for the use of the information system in accordance with the schedule of fees approved by the Council of Ministers. Official access to the information system is free of charge for State authorities, local government and local administration bodies, and persons entrusted with public functions.

### State bailiffs

State bailiffs carry out the enforcement of private claims. The State may also assign to State bailiffs the task of collecting public receivables in particular cases determined by law.

The number of State bailiffs is decided by the Minister for Justice.

At district courts where there are no State bailiffs, their functions are carried out by a district judge appointed by the president of the relevant court, the Minister for Justice being notified of this fact.

State bailiffs are appointed by the Minister for Justice on the basis of a competition. The Minister for Justice may schedule a competition at the proposal of the president of a district court.

The [Bulgarian Association of State Bailiffs](#) (Asotsiatsiyata na Darzhavnite Sadebni Izpalniteli v Bulgaria) is an independent and voluntary professional organisation that defends the professional, intellectual, cultural, social and material interests of State bailiffs in Bulgaria, while promoting the profession and contributing towards raising its prestige within the State and society.

### Legal database

The [Register of State Bailiffs](#) (Registarat na Darzhavnite Sadebni Izpalniteli) can also be consulted on the website of the Association of State Bailiffs.

### Registration judges

Registration judges perform their duties at district courts as follows.

They order or refuse entries, endorsements and removals from the property register and decide whether references and certificates are issued; they perform notarial and other deeds laid down by law. Registration judges may act only in their own district.

The number of registration judges is decided by the Minister for Justice.

In district courts where there is no registration judge or where the registration judge is unable to attend to his or her duties, the registration judge's duties are performed by a district judge, with the Minister for Justice being notified of this fact.

The Minister for Justice may assign the functions of a registration judge to a State bailiff at the same court.

Registration judges are appointed by the Minister for Justice on the basis of a competition. The Minister for Justice may schedule a competition at the proposal of the president of a district court.

The Bulgarian Association of Registration Judges is an independent and voluntary professional organisation that defends the professional, intellectual, cultural, social and material interests of registration judges in Bulgaria, while also promoting the profession and contributing towards raising its prestige within the State and society. More information can be found on the Association's website: <http://www.basv.free.bg>

More information on court staff can be found [here](#)  (378 Kb) .

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