1. Basic Information

1.1 Désirée Number: BG 0103.03
1.2 Title: Recruitment and training strategy for the Judiciary
1.3 Sector: AD
1.4 Location: Sofia, Bulgaria

2. Objectives

Overall Objective(s):

To lay the basis for a comprehensive human resources policy for the Bulgarian judiciary, aiming at bringing the professional skills of all members of the judiciary up to EU level

Project purpose:

To harmonise the education system and improve the systems for selection, professional development and qualification for the magistrates and for professional development of clerical staff in the judicial institutions

2.3 Accession Partnership and NPAA priorities:

- AP.4.1
  Upgrade law enforcement bodies and the judiciary (staffing, recruitment, training and equipment) to continue the fight against organised crime, drug trafficking and corruption, reinforce police and custom authorities and ensure better co-ordination between law enforcement bodies;
  - Reinforce administrative and judicial capacity;
  - Strengthen the independence of magistrates and the efficiency of the court system, including case treatment and alternative dispute resolution (ADR) enforcement of penal judgements
- AP.4.2
  - Reinforce the independence of the judiciary;
  - Reinforce the professional and administrative capacity of the judiciary.

NPAA

- Specific normative and organisational measures to combat against corruption and organised crime in relation with the Acquis in the field of Justice and Home Affairs and strengthen the competent authorities.
- Reinforce cooperation between EU Member States to combat against organised crime with the task of erecting an effective system for mutual co-operation in counteractions and prevention of different forms of international crime and corruption.
- Development of a complex program for prevention of attempts to use the territory of the country as a transit terminal for international traffic of drugs and precursors.
- Joining the open international instruments in the field of judicial co-operation on penal and civil proceedings and accepting of adequate normative framework for the establishment of effective co-operation with EU Member States in this field.
- Protection of the major human rights in correspondence with the acquis in justice and home affairs.
- Expanding of the international judicial co-operation through exchange of information, experience and expertise, development of methodologies and training programs, participation in international forums and conferences, carrying-out of specialisation, training and pre-qualifications, analysis and distribution of acquis in justice and home affairs.
3. Description

3.1 Background and justification:

In the Progress reports of the EC of both 1999 and 2000 weaknesses of the judicial system and of law enforcement authorities in the Republic of Bulgaria have been pointed out. Bulgaria should continue its efforts in implementing the required reforms in order to be able to implement and enforce the acquis and to meet standards for Administration of Justice and for Law Enforcement of Member States.

A Programme for the development of the judiciary for the period 2001 – 2004 was drafted by a Task Force comprised of representatives of the judiciary, nominated by the Supreme Judicial Council, the Council of Ministers, the Ministry of Justice and the Ministry of Foreign Affairs.

An Action Plan for the realisation of the policies outlined in the Programme will be drafted with the assistance of an EU expert and will, after discussion in the Task force, be presented for approval to the Supreme Judicial Council. The Programme and the Action Plan will be a base for preparing a Global Strategy for the development of the judiciary, which will be drafted by the Work Group (Task Force), nominated by the Supreme Judicial Council and the Minister of Justice.

The judiciary consists of judges, prosecutors and investigating magistrates (investigators). They are appointed by the Supreme Judicial Council and become tenured upon completion of their third year in office. Candidates for appointment are selected and proposed by senior officials of the courts, prosecutors’ offices and investigation services in accordance with rules set down in the Judicial System Act. The very decentralised selection process poses problems. Candidates to a judicial office apply for local positions and the selection is made locally, although the formal appointment is made by the SJC. There is lack of national criteria and co-ordinated procedures for recruitment. Competitions are being held in some of the courts but the outcome of the competition is advisory and the final recommendation for appointment is made by the proposing official. Promotion of magistrates at the moment is made after proposals of the senior officials. As criteria are lacking there is a risk for subjectivity. The Supreme Judicial Council today lacks appropriate mechanism to judge the qualities of the selected candidates and is therefore dependent on the assessment of the person proposing the candidate. Specific tools of assessment of suitability need to be developed and introduced.

The present project is intended to assist in realisation of the policies outlined in the Programme - Section III. Professional development of the magistrates. It is also intended to assist in the implementation of the concepts for amendments and supplements to the Judicial System Act, a working draft of which is under preparation. Taking into account the recommendations made in the SIGMA report, it is intended to regulate the introduction of the competition as a basic principle for appointment of magistrates, calls for higher professionalism of the clerical staff in the judicial institutions, transparency of the procedures, defines the legal framework for training of magistrates and its impact on their development.

The legal education system in Bulgaria is not harmonised with European practices. There is a necessity to improve the quality of the legal education by applying higher state requirements harmonised with the international practices and to create conditions for professional profiling and practical training of the students in law at an early stage.

Responsibility for in-service training of magistrates according to the Judicial System Act is held by the Ministry of Justice. There is some training of magistrates but is mainly donor funded and does not follow an overall national strategy for training. There is no public training institution for magistrates.

Current training of magistrates is therefore taking place at the Magistrates Training Centre, which is a private body and according to the legislation it cannot be transformed into a public body. And MTC has funding up to the end of next year. It is therefore necessary that the state takes financial responsibility for a national training institution for the judiciary by setting up the legal conditions for initial and regular in-service training for the judiciary. It is necessary for the legitimacy of the institution, for adherence to agreed policies and priorities within the judicial branch, as well as for the long-term survival of the training institution to be a public institution with a statute of executive agency.

Training in all three branches of the judiciary is highly needed. For instance, courses in Community law and human rights law are needed for all three branches, and other areas where courses are urgently needed are in national criminal law, tax law, criminal procedures, etc. Training related to combating financial and organised crime on both the national and international levels is another major need.

A needs analysis for the training of magistrates has to be made in order to develop a national strategy for training and for qualification of magistrates. The European practices have to be used in view of creating the necessary conditions for the establishment of an independent public institution for training of magistrates and clerical staff in the judiciary. Training is needed for the magistrates in the enforcement of the harmonised legislation and of the senior officials in the courts in managerial skills especially budget management.
3.2. Linked activities

- National Phare programme: Under PHARE 1999, two MEURO have been allocated for strengthening the independence of the judiciary and the institutional capacity of the Ministry of Justice. Phare 2000 project aimed at the prosecutors’ offices at central, regional and local levels to improve their capacity to combat crime and corruption. Under Phare 2001 projects are foreseen for the investigation services and for support to the implementation of new bankruptcy proceedings.

- Horizontal Phare programme: There is a horizontal Phare project including Bulgaria aimed at building capacity for training of judges in EC law.

- Other donors: USAID has funded and will until the year 2002 continue to fund the Magistrates Training Centre and its training activities. The World Bank has been involved in the area of judicial reform, primarily in the areas of commercial law, bankruptcy law and especially liquidation proceedings. Among the other donors is also the American Bar Association (ABA/CEELI).

3.3 Results

SUB PROJECT 1: Harmonisation of the legal education system in Bulgaria

1.1 Legal education system assessed
1.2 Comprehensive strategy (including curricula according to best practices in MS to bring the legal education in line with the legal education in the EU) prepared and handed over to the Ministry of Education and the Deans of the Law Faculties in the Universities concerned.

SUB-PROJECT 2: Develop a system with clear common criteria for recruitment and appointment of magistrates and clerical staff

2.1 Gaps and needs analysis conducted
2.2 Legal framework assessed and proposals for changes presented to the Minister of Justice and to the Supreme Judicial Council
2.3 Clear set of criteria for recruitment and appointment defined and ready for implementation.

SUB-PROJECT 3: Development of a National Training Strategy for the judiciary in Bulgaria

3.1 Training needs of magistrates (judges, prosecutors and investigators) clearly identified
3.2 Training needs of clerical court staff clearly identified
3.3 Overall Training Strategy for Magistrates (judges, prosecutors and investigators) finalised and presented to the Ministry of Justice and to the Supreme Judicial Council
3.4 Curricula for training of magistrates in realization of the Overall Training Strategy prepared.
3.5 Manuals and training materials developed.
3.6 Set of job descriptions for clerical staff finalised
3.7 Overall Training Strategy for clerical staff finalised and presented to the Ministry of Justice and to the Supreme Judicial Council
3.8 Curricula for training of clerical staff in realization of the Overall Training Strategy prepared.
3.9 Framework for an independent training centre for magistrates clearly identified

SUB-PROJECT 4: PILOT TRAINING

4.1 102 magistrates trained according to the curricula.
4.2 34 persons from the clerical staff trained according to the curricula.
3.4 Activities

SUB PROJECT 1: Harmonisation of the legal education system in Bulgaria

1.1 Conduct an assessment of the current legal education system at university level in Bulgaria
1.2 Develop a comprehensive strategy and set of measures to bring the legal education in line with the legal education in EU member states. The aim is to present the Ministry of Education and the Deans of relevant Universities with a set of proposals on how to prepare Law School student and Law School graduates in the best possible way for a career in the Bulgarian judiciary. New courses will have to be developed as well as proposals for national and international traineeships

SUB-PROJECT 2: Develop a system with clear common criteria for recruitment and appointment of magistrates and clerical staff

2.1 Conduct a gaps and needs analysis
2.2 Assess the current Legal framework
2.3 Propose required changes to the current legal framework and present them to the Minister of Justice and the Supreme Judicial Council
2.4 Prepare a clear set of criteria for recruitment and appointment of magistrates (judges, prosecutors and investigators) and clerical staff, including applying the competition principle as a main approach for selection for appointments in the judiciary

SUB-PROJECT 3: Development of a National Training Strategy for the judiciary in Bulgaria

3.1 Assess training needs of magistrates (judges, prosecutors and investigators). Special attention needs to be paid to EU related issues and to Human Rights issues.
3.2 Assess training needs of clerical staff in courts.
3.3 Develop a comprehensive training strategy (initial and in-service training) for magistrates (judges, prosecutors and investigators)
3.4 Develop curricula for training of magistrates in realization of the Overall Training Strategy.
3.5 Develop manuals and training materials for magistrates.
3.6 Develop job descriptions for clerical staff in courts.
3.7 Develop a comprehensive training strategy (initial and in-service training) for clerical staff.
3.8 Develop curricula for training of clerical staff in realization of the Overall Training Strategy.
3.9 Develop manuals and training materials for the clerical staff.
3.10 Define the requirements for independence of a new public training institution structured as a legal entity

SUB-PROJECT 4: PILOT TRAINING

4.1 Provide pilot training of 102 magistrates according to the developed curricula in human rights law, EU-law, commercial legislation, taxation law, intellectual property law, financial law, co-operation between national courts and the Court of Justice of EU and as well as in other areas
4.1 Provide pilot training of 34 administrative secretaries of courts trained according to the curricula in application of the new procedures and best performance of their functions.

- Technical assistance contract
  - One long term adviser experienced in the field of judicial system, human resource management and planning, management of training institutions, high communication skills,
  - Short term experts in constitutional law, administrative law, procedures law, training needs analysis, development of training strategy, development of curricula
  - Development of curricula for training of magistrates and clerical staff.
  - Development of manuals and training materials
  - Pilot training for magistrates and clerical staff in the judicial institutions – 102 magistrates (three representatives from 28 district courts, 6 courts of appeals) and 34 persons from the clerical staff in the judiciary (34 administrative secretaries of the 34 courts)
4. Institutional Framework

- The Supreme Judicial Council is responsible for the appointment and promotion of magistrates as well as for setting and approving competition rules.
- The Supreme Judicial Council has launched a selection procedure for appointment of two programming officers to be responsible for project programming and implementation.
- Overall responsibility for training of the judiciary as regulated by law is held by the Minister of Justice. The Minister of Justice is also responsible for the development of the framework and the establishment of a public training institution.
- The Ministry of Justice has the task to organise training according to law.
- A Task Force has been established comprised of representatives of the judiciary, nominated by the Supreme Judicial Council, the Council of Ministers, the Ministry of Justice and the Ministry of Foreign Affairs.

5. Detailed Budget

<table>
<thead>
<tr>
<th>Investment Support</th>
<th>Institution Building</th>
<th>Total Phare (I+IB)</th>
<th>National Cofinancing</th>
<th>IFI</th>
<th>TOTAL</th>
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<tbody>
<tr>
<td>Technical assistance contract</td>
<td>2 Meuro</td>
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<td><strong>2 Meuro</strong></td>
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6. Implementation arrangements

The project will be monitored and controlled by the Task force mentioned above. A working group comprising representatives of the judiciary and the Ministry of Justice will be set up for the implementation of the project. Representatives of the Ministry of Education will also be invited to participate in the working group.

6.1 Implementing Agency

The beneficiaries of the project are the Supreme Judicial Council and the Ministry of Justice, 1, Slavjanska Str., Sofia 1040, Bulgaria, acting in partnership. Persons responsible for the project are: Dr. Jeana Sharankova (MoJ, tel # 359 2 9809225, fax # 359 2 933 3271, e-mail sharankova@mjeli.government.bg) and Mrs. Liubka Ilieva (SJC, tel # 359 2 9219279, fax # 359 2 883985, e-mail a_lazarova@infocom.bg)

The Central Financing and Contracting Unit (CFCU) will be responsible for tendering, contracting, payments and financial reporting. Deputy Minister of Finance has been appointed PAO for the Institution Building projects. Add contact details of PAO (tel # 359 2 98592766, fax # 359 2 98592773, e-mail efcu@techno-link.com)

6.2 Twinning: NA

6.3 Non-standard procedures: NA

7. Implementation Schedule

- 7.1 Start of tendering: September 2001
- 7.2 Start of project activity: January 2002
- Project completion: December 2003
8. Equal Opportunity

The dimension of equal opportunity and gender equality will be integrated into all levels of the project. This will establish a suitable foundation for mainstream gender equality in the future. It will be included in the Terms of Reference of the project as a joint responsibility of the Contractor, and the beneficiary institutions.

9. Environment: NA

10. Rates of return: NA

11. Investment criteria: NA

12. Conditionality and sequencing

Conditionality

Its is expected that prior to the tendering a global strategy for the development of the judiciary will be ready for implementation, in which current problems will also be addressed.

In performing the overall training needs analysis the beneficiary will provide all existing data and results of the training needs analysis for judges.

The beneficiary undertakes the responsibility to coordinate the pilot training in accordance with this project in such a way that no overlapping with other donor funded training exists in particular the training delivered by the Magistrates Training Centre and along the twinning project Phare BG9911.03.

Sequencing

<table>
<thead>
<tr>
<th>SUB PROJECT 1: Harmonisation of the legal education system in Bulgaria</th>
<th>Starting</th>
<th>Ending</th>
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</thead>
<tbody>
<tr>
<td>1.1 Legal education system assessed</td>
<td>1/2/2002</td>
<td>31/5/2002</td>
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<tr>
<td>1.2 Comprehensive strategy prepared</td>
<td>1/6/2002</td>
<td>31/8/2002</td>
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<table>
<thead>
<tr>
<th>SUB-PROJECT 2: Develop a system with clear common criteria for recruitment and appointment of magistrates and clerical staff</th>
<th>Starting</th>
<th>Ending</th>
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<tbody>
<tr>
<td>2.1 Gaps and needs analysis conducted</td>
<td>1/2/2002</td>
<td>31/5/2002</td>
</tr>
<tr>
<td>2.2 Legal framework assessed and proposals for changes</td>
<td>1/6/2002</td>
<td>31/8/2002</td>
</tr>
<tr>
<td>2.3 Clear set of criteria for recruitment and appointment defined and ready for implementation.</td>
<td>1/9/2002</td>
<td>31/12/2002</td>
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<tr>
<th>SUB-PROJECT 3: Development of a National Training Strategy for the judiciary in Bulgaria</th>
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<tr>
<td>3.1 Training needs of magistrates clearly identified</td>
<td>1/3/2002</td>
<td>31/5/2002</td>
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<tr>
<td>3.2 Training needs of clerical court staff clearly identified</td>
<td>1/4/2002</td>
<td>30/6/2002</td>
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<tr>
<td>3.3 Overall Training Strategy for Magistrates finalised</td>
<td>1/7/2002</td>
<td>31/12/2002</td>
</tr>
<tr>
<td>3.4 Curricula for training of magistrates prepared.</td>
<td>1/6/2003</td>
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<tr>
<td>3.5 Set of job descriptions for clerical staff finalised</td>
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<th>SUB-PROJECT 4: PILOT TRAINING</th>
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<tbody>
<tr>
<td>4.1 102 magistrates trained according to the curricula.</td>
<td>1/8/2003</td>
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<td>4.2 34 persons from the clerical staff trained.</td>
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<td>30/11/2003</td>
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Annexes to Project Fiche

1. Logframe Matrix
2. Detailed Implementation Chart
3. Contracting and Disbursement Schedule for the Project
4. List of Relevant Laws and Regulations
5. Reference to relevant Government strategic plans and studies
### ANNEX 1: Phare log frame

**LOGFRAME PLANNING MATRIX FOR**  
Project: **System for career development and professional qualification of magistrates and clerical staff in the judiciary**  
Contracting period expires 30/11/2003  
Disbursement period expires 30/11/2004  
Total budget: 2 MECU  
Phare budget: 2 MECU

<table>
<thead>
<tr>
<th>Overall objective</th>
<th>Objectively verifiable indicators</th>
<th>Sources of Verification</th>
</tr>
</thead>
</table>
| To lay the basis for a comprehensive human resources policy for the Bulgarian judiciary, aiming at bringing the professional skills of all members of the judiciary up to EU level | • Analysis, reports and proposals for changes in the existing legislation  
• Drafts of pieces of legislation | • Progress reports  
• EC report on the judiciary |

<table>
<thead>
<tr>
<th>Project purpose</th>
<th>Objectively verifiable indicators</th>
<th>Sources of Verification</th>
<th>Assumptions</th>
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- To harmonise the education system and improve the systems for selection, professional development and qualification for the magistrates and for professional development of clerical staff in the judicial institutions

**SUB PROJECT 1: Harmonisation of the legal education system in Bulgaria**

1.1 Legal education system assessed
1.2 Comprehensive strategy (including curricula according to best practices in MS to bring the legal education in line with the legal education in the EU) prepared and handed over to the Ministry of Education and the Deans of the Law Faculties in the Universities concerned.

**SUB-PROJECT 2: Develop a system with clear common criteria for recruitment and appointment of magistrates and clerical staff**

2.1 Gaps and needs analysis conducted
2.2 Legal framework assessed and proposals for changes presented to the Minister of Justice and to the Supreme Judicial Council
2.3 Clear set of criteria for recruitment and appointment defined and ready for implementation.

**SUB-PROJECT 3: Development of a National Training Strategy for the judiciary in Bulgaria**

3.1 Training needs of magistrates (judges, prosecutors and investigators) clearly identified
3.2 Training needs of clerical court staff clearly identified
3.3 Overall Training Strategy for Magistrates (judges, prosecutors and investigators) finalised and presented to the Ministry of Justice and to the Supreme Judicial Council
3.4 Curricula for training of magistrates in realization of the Overall Training Strategy prepared.
3.5 Manuals and training materials developed.
3.6 Set of job descriptions for clerical staff finalised
3.7 Overall Training Strategy for clerical staff finalised and presented to the Ministry of Justice and to the Supreme Judicial Council
3.8 Curricula for training of clerical staff in realization of the Overall Training Strategy prepared.
3.9 Framework for an independent training centre for magistrates clearly identified

**Capacity, capability and efficiency of the judiciary**

- Progress reports on NPAA
- EC report on the judiciary
- Reports of the WB

**Commitment for continuing the reform in the judiciary**
### SUB-PROJECT 4: PILOT TRAINING

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- Proposals for amendment of legislation
- Procedures and regulations amended and implemented
- Approved regulation about new selection and assessment systems
- Magistrates selected based on clear criteria and following the competition principle
- Magistrates tenured and promoted after being assessed
- Training strategy developed
- Curricula for training prepared
- 102 magistrates and 34 persons from the clerical staff in the judiciary trained

- Evaluation reports
- Public surveys
- Reports and analysis on the human resource management in the judiciary
- Reports on the functioning of the system for assessment of the magistrates

- Full commitment of the Ministry of Justice and the Supreme Judicial Council
- Effective cooperation between the Ministry of Justice and the Supreme Judicial Council
<table>
<thead>
<tr>
<th>Activities</th>
<th>Means</th>
<th>Assumptions</th>
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<tr>
<th>SUB PROJECT 1: Harmonisation of the legal education system in Bulgaria</th>
<th></th>
<th>• Technical assistance contract</th>
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<tr>
<td>1.1 Conduct an assessment of the current legal education system at university level in Bulgaria</td>
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<td>• Effective cooperation between all interested parties (including the Ministry of Education)</td>
</tr>
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<td>1.2 Develop a comprehensive strategy and set of measures to bring the legal education in line with the legal education in EU member states. The aim is to present the Ministry of Education and the Deans of relevant Universities with a set of proposals on how to prepare Law School student and Law School graduates in the best possible way for a career in the Bulgarian judiciary. New courses will have to be developed as well as proposals for national and international traineeships</td>
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<td>2.3 Propose required changes to the current legal framework and present them to the Minister of Justice and the Supreme Judicial Council</td>
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<th>SUB-PROJECT 3: Development of a National Training Strategy for the judiciary in Bulgaria</th>
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<th>• Preconditions:</th>
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<td>Strong commitment of the members of the judiciary</td>
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### ANNEX 2: DETAILED IMPLEMENTATION CHART

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### ANNEX 3: CONTRACTING AND DISBURSEMENT SCHEDULE FOR THE PROJECT

#### Cumulative Quarterly Contracting Schedule (Meuro)

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#### Cumulative Quarterly Disbursement Schedule (Meuro)

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ANNEX 4: List of Relevant Laws and Regulations

- Constitution of the Republic of Bulgaria
- Judiciary System Act
- Statutes of the Ministry of Justice
- Regulation Nr. 30 dated 29.02.96 for the preparation and the order of attestation of the judicial candidates and the interns-lawyers
- Regulation Nr. 28 dated 20.03.95 for the functions of the staff in the supporting units and the offices of the region, district, military and appellation courts
- First working version of the draft for amendments and supplements to the Judicial System Act

ANNEX 5: Reference to relevant Government strategic plans and studies

- Government Programme 2001
- National Strategy for accession of Republic of Bulgaria to the EU
- Programme for the realization of the National Strategy for accession of Republic of Bulgaria to the EU
- NPAA
- Programme for the development of the judiciary 2001-2004
- Action plan for implementation of the programme (in process of drafting)