Standard Project Fiche

1. Basic Information

1.1. CRIS Number (Year 2): **BG 2005/017-353.07.02**

1.2. Title: **Strengthening of the Bulgarian Judiciary**

1.3. Sector: Justice and Home Affairs
1.4. Location: Bulgaria
1.5. Duration: 2 years/Project phases
Year /Phase one – Twinning
Year /Phase two – Twinning + Investment

2. Objects

2.1. Overall Objective:

To support the bodies of the judiciary and the executive in the implementation of the Strategy for reform of the judiciary. Contribution to the process of preparation of the Republic of Bulgaria for accession to the EU by introduction of European standards for higher quality of justice and judicial training, as well as for effective and smooth management of the judiciary and the institutional cooperation.

2.2. Project Purposes:

- Improvement of the legal framework of the magistrates’ status and development of the principle of impartiality and transparency in their appointment and work, provision of high quality of training for magistrates and administrative staff, improvement of the management of the judiciary

- Identifying and implementing practical measures for strengthening the interagency cooperation between Public Prosecutor’s office (PPO) and other concerning bodies in fighting organized crime and corruption; Developing practical measures and training modules for implementing of newly adopted *acquis* in the field of organized crime and corruption

2.3. Accession Partnership (AP) and NPAA priority (and implementing measures envisaged by the Action Plan for AP priorities related to strengthening administrative and judicial capacity). The project will facilitate the Bulgarian side in meeting its obligations under these documents in the field of justice and home affairs.

**Council Decision on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Bulgaria** – 19 May 2003, OJ L 145/1p. (see page 8 – “Enhance professionalism in the judiciary by ensuring adequate state funding for the National Institute of Justice allowing it to develop high quality training for judges, prosecutors and administrative staff”)

**Accession Partnership 2003:**

- To pay greater attention to the transposition of the EU acquis, to the way it can be applied in practice, including in the judicial system

- To continue the implementation of the National Strategy for reform of the Bulgarian judicial system and adoption of a legislation with regards to its application, in compliance with the EU practice.
- Introduction of a more open, fair and transparent system for selection, evaluation and promotion in the official hierarchy, based on qualities within the judiciary.
- Ensuring adequate resources for the Judiciary.
- Drawing a clear divide between the powers of SJC and those of the Ministry of Justice so as to ensure respect for the independence of the Judiciary.
- Reinforcing SJC’s administrative capacity, thus enhancing its operation in two aspects:
  · strategic decision-making;
  · management of the judicial system.
- Strengthening the administrative capacity of key institutions; Supreme Judicial Council and Ministry of Justice, through building budgetary, supervisory, planning and human resource management capacity.
- Clarifying the immunity of members of the judiciary to ensure this is in line with international requirements.
- Ensuring the full implementation of fundamental rights in penal cases such as legal aid.
- Start to implement the national strategy to combat corruption in public life, especially focusing on awareness building, prevention and the prosecution of corrupt acts.

2.4. Contribution to the National Development Plan (and/or Structural Funds Development Plan/SDP)
NA

2.5. Cross-border impact
NA

3. Description

3.1. Background and justification:

   “Bulgaria does not yet fully meet the *acquis* criteria. In order to complete its preparations successfully, Bulgaria needs to continue its efforts to transpose, implement and enforce the acquis. It also needs to continue the reform of public administration and the judiciary in order to have the necessary administrative and judicial capacity for this”.
   “The Commission will support further reform efforts, in particular with a view to implementation of the Strategy and Action Plan for Reform of the Judiciary. Projects in this field will be financed from Phare in 2003 and subsequent years.”


   Programme for the Implementation of the Strategy for the Reform of the Bulgarian Judicial System:
   - **Long-term priorities:**
     “Introduction of the competition principle and internal criteria for the appointment of judges, public prosecutors and investigators.”
     “Introduction of criteria for the evaluation of the work of judges, public prosecutors and investigators in cases of promotion and downgrading in duty, which should ensure the impartial and exact evaluation in the planning of their career”
   - **Medium-term priorities:**
     “Elaboration of criteria for the evaluation of judges' workload.”
     “Elaboration and introduction of evaluation criteria for the promotion and downgrading of judges, public prosecutors and investigators in grade and position”
Strategy for Reform of the Judiciary

The project is in compliance with the following priorities of the Strategy for Reform of the Judiciary in Bulgaria:

- Development of European standards in justice
- Strengthening of the professional qualification of the judiciary bodies
- Introduction of IT into the functioning of the Judiciary
- Unification of the information systems in all the institutions of the judiciary as an element of the information system for counteracting crime
- Full computer equipment of the Judiciary

The Regular Report acknowledges that Bulgaria has made significant progress on the judicial reform strategy with the adoption of an Action Plan and major amendments to the Law on the Judicial System. 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. In particular attention needs to be paid to how investigations are carried out.

The weaknesses of the Bulgarian judicial system were consistently identified in all Regular Reports produced by the European Commission from 1999 to 2004. The Commission has singled out the judicial system reform as a major strategic requirement in the pre-accession developments that takes place in Bulgaria. Nevertheless, the general conclusion is that the Bulgarian judicial system must exert permanent efforts in order to develop a considerable administrative and judicial capacity for the application and implementation of the acquis and to continue the implementation of the reforms in order to be able to enforce EC law and to match the standards of administering justice in the Member States of the Union.

In its 2002 Regular Report, the Commission emphasised that 'the Supreme Judicial Council represents judges, prosecutors and investigators, and its members comprise representatives of all three groups, as well as a number of members elected by Parliament. The three groups have different roles in the judicial system, and, hence different interests and management structures'. In the view of the Commission, this prevents SJC from performing adequately its functions relative to the professional management of judges and of the court system. Strengthening the administration of the Supreme Judicial Council would therefore contribute to a better co-ordination among the different branches of the Judiciary and to ensuring the efficient operation of SJC itself.

The Draft Common Position of the European Commission of June 2003 referred to the stand of the Bulgarian counterpart that "the amendments to the Judicial System Act adopted in June 2002 make a clear distinction between the powers of the Ministry of Justice and the Supreme Judicial Council. The SJC is an administrative body with authority to manage the judiciary, determines its composition and maintain its organisation.”

The Commission, however, concluded that "although the division of responsibilities and tasks between the Ministry of Justice and the Supreme Judicial Council are provided by the Judicial System Act, the co-ordination structure still needs considerable attention, in particular as regards the SJC’s responsibility in administering the budget for the judiciary and the co-operation between the administrative units within the Ministry of Justice and the administrative support of the SJC.

The EUCP of October 2003 states ‘The EU stresses that the establishment of an independent, reliable and efficient judiciary is of paramount importance. This notably requires sufficient financial resources and an efficient resource allocation system, sufficient human resources and qualified staff, objective and transparent recruitment, evaluation and promotion procedures relying
on national standards established by the Supreme Judicial Council, as well as effective sanctions for inefficiency or prosecution for criminal offences, adequate and modern equipment, distribution of cases to magistrates and public prosecutors according to objective and transparent procedures, acceleration of court proceedings, reduction of the number of pending cases to avoid unreasonable delays, adequate public information on the progress of cases, and measures to ensure the adequate enforcement of judgments. Moreover, the EU underlines the need to take the appropriate measures according to the outcome of the discussions concerning the composition, powers and mandate of the Supreme Judicial Council, while at the same time taking into account the necessity of mutual control (“checks and balances”) in the relations between the Supreme Judicial Council and the organs of other constitutional powers. The EU also underlines the importance of reinforcing the capacity of the Supreme Judicial Council in disciplinary matters.

The length of judicial proceedings still gives cause for concern; uniform methods and criteria are not yet in use neither for competitive selection of judges, nor for monitoring of their performance before granting tenure or promotion. Under the EU Phare 2000 twinning project for “Strengthening the PPO” a thorough screening of structure of the Bulgarian Public Prosecutor’s Office (PPO) in the field of corruption and organized crime was undertaken. Other tasks related to the assessment of the legal framework in the field of corruption in relation to the principal tasks of the PPO; Support to the Interagency-cooperation; Training and Initial measures for the installation of IT network between the headquarter and the different local prosecutors offices. The Public Prosecution’s Office needs to modernise the management methods in order to improve the transparency and efficiency of case handling. In order to remedy the length of in particular penal procedures as well as the cumbersome pre-trial phase, Bulgaria has taken the commitment in the EUCP to “pursue reform of the pre-trial phase in accordance with the best practices in EU Member States and Articles 5 and 6 of the European Convention on Human Rights as well as the case law of the European Court of Human Rights as a matter of the highest priority”. As a consequence, a new Penal Procedures Code was elaborated and is awaiting adoption by the end of 2005. In order to ensure correct implementation the co-operation between the prosecution office and the various law enforcement agencies, in particular the Ministry of Interior, will need to be strengthened.

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 problem with the current system of immunity and ineffective disciplinary procedures is that it is also difficult to demonstrate that corruption does not exist.

In July 2003 amendments in the Judicial System Act (JSA) were introduced with regards mainly to the selection of the members of the Supreme Judicial Council and the establishment of a National Institute of Justice. According to the JSA the National Institute of Justice shall maintain and improve the qualification of junior judges, junior prosecutors, judges, prosecutors, investigators, bailiffs, registrar-judges, court officials, inspectors and other officials from the Ministry of Justice. The amendments have introduced additional differentiation and concretization in the relationships between the Minister of justice and the judicial bodies.

In April 2003 the Supreme Judicial Council adopted a regulation, which provided for conditions and procedure for carrying out competitions for junior judges and junior prosecutors. It provides for a written and oral exam according to a preliminary determined thematic syllabus. The exams shall be carried out by competition commissions, consisting of judges from the Supreme Court of Cassation and the Supreme Administrative Court; prosecutors from the Supreme Cassation Prosecutor’s Office and the Supreme Administrative Prosecutor's Office, as well as investigators form the National Investigation Office, determined by the Supreme Judicial Council. These magistrates will participate in the competition commissions for a term of 2 years. According to the Regulation, the competition commission shall consist of a president, four regular members and a reserve member, determined by the Supreme Judicial Council for every competition. Depending on the number of the candidates and the application positions, the Supreme Judicial Council can determine more than one competition commission for carrying out one competition.
The legal issues and current state of affairs in reference with the status of magistrates can be summarized with the following extract of the 2003 Regular Report of the European Commission: “Following a consensus of all political parties represented in Parliament to proceed with the reform, an ad-hoc parliamentary commission was created in April 2003 and mandated to elaborate a proposal for amendments to the constitution. The proposal, presented in July 2003, suggested that magistrates should have only a functional penal immunity rather than an absolute one. This immunity could be lifted for actions taken in the context of their duties by a decision of the Supreme Judicial Council based on grounds laid down in the constitution or legislation. For actions beyond the duties of magistrates, the criminal and civil liability provisions would be applicable. Permanent status would be accorded after five years in office (instead of three years), subject to fulfilling a number of criteria. The proposal was adopted unanimously by Parliament in September 2003 and represents an important step forward in the overall reform of the judicial system.”

Representatives of the academic world in Bulgaria criticize the lack of categorical and clear definition of the character and the legal nature of the relations of judges, prosecutors and investigators when they are performing the judicial power – labour or official. The stability of the official status of the magistrates depends on the answer of this question – their official legal relation, their official security as a guarantee for their independence, the nature of the acts for their appointment and dismissal, as well as the acts for the realization of disciplinary liability. This 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 quality of the work done by the magistrates are introduced, and the realization of the disciplinary liability should be improved and more transparent.

The training of magistrates was delivered by the Magistrates Training Centre (MTC), since its creation in 1999. The foundation was established by the Ministry of Justice (MoJ), the Union of Judges and the Alliance for Legal Interaction. The 2003 Regular Report of the European commission states the following: “The non-governmental Magistrates’ Training Centre has continued to provide training to judges, prosecutors and investigators. So far, around a quarter of the magistrates have received specialised training in EU law. Plans to transform the Training Centre into a public training institution — the National Institute for the Judiciary — were formalised with the new amendments to the Law on the Judiciary of July 2003, according to which the National Judicial Institute will be set up under the financial and organisational responsibility of the Supreme Judicial Council. Newly appointed magistrates have to undergo a six-month compulsory training in the National Judicial Institute.”

The National Institute of Justice (NIJ) has started its work since 1st of January. NIJ continues the activity of the Magistrates’ Training Centre. According to Art.35e of the Judicial System Act (JSA) the activity of the quality professional training and increasing the qualification of the Bulgarian magistrates is executed by the National Institute of Justice. The National Institute of Justice is built on the basis of the Magistrates’ Training Centre and uses its achievements. According to the amendments of the JSA and the Regulation of the NIJ, it is a secondary budget-credit spending unit under the Supreme Judicial Council and shall work in co-operation with the SJC, the Ministry of Justice, the organs of the judiciary and other national and international partners. The State has provided NIJ through the Ministry of Justice with a building which is an important requirement for the start of its activity, in accordance with the amendments of the JSA The Budget of NIJ for 2004 is 1 169 000 BG leva, which is a part of the budget of the Judiciary/ It covers the salaries, the current expenses, the renovation and the equipments of the building and the mandatory training activities.

The PHARE project BG-2002/IB/JH/01 that will be implemented between May 2004 and September 2005 will complete the first phase of the institutional building of the NIJ. The future support from the subsequent PHARE will be needed for the further strengthening of the Institute in the areas mentioned below and not for current expenses or running costs.
Regarding the accumulated experience of MTC and the expected successful completion of the last two PHARE projects (BG-0103.03 and BG-2002/IB/JH/01/B), for the period of 2005-2007 NIJ will need support (both institutional building and investment) in the following areas:

1. **Initial training for young judges and prosecutors.**
   The programme for initial training of young judges and prosecutors has to be improved and further developed (curriculum, trainers, training materials, equipment etc., following the National Training Strategy for the Judiciary that is supposed to be developed under PHARE project BG-0103.03 until the end of 2004. The objective is a fully selfoptional program (curriculum, trainers, training materials, equipment, etc.) that should be updated and strengthened after the first academic year of the Institute (from 1 October 2004 to 1 July 2005).

2. **Training in EU-law**
   The existing basic courses have to be updated following the changes within the EU and new specialised courses for magistrates need to be developed in order to prepare the Bulgarian judiciary to handle cases, involving EU-law. The objective is to have all magistrates follow at least one basic and/or one specialised course on EU-law before the accession of Bulgaria to the European Union in 2007, when the EU law will become an essential part of the national legislation.

3. **Continuing training for magistrates and administrative staff**
   The existing continuing training programme for magistrates and administrative staff has to be completed with modern, IT-based and cost-effective forms of distance learning. Currently, programs for distance learning do not exist but with the completion of the PHARE 2002 all courts in Bulgaria are supposed to be equipped with computer techniques and conditions for the beginning of distance learning programs will be set. Moreover, by that time the NIJ will have its own capacity to start such work- not only an equipped building, but also part of the computer equipment needed, delivered within the starting PHARE Twinning Project (BG-2002/IB/JH/01/B).

4. **Research and publications**
   For the achievement of full effectiveness and following its Regulation, the Institute needs to have a research and documentation centre, provided with the necessary methodology, personnel, know-how and equipment. This will allow further development for the participants at the NIJ training sessions, as well as to broader study and research topics on case law and administration of justice (art. 7, p. 4 of the NIJ Regulation). This centre should have the capacity to conduct the publication activities and preparation of big volume of training and scientific materials for the needs of the judiciary (as stated in Art.7, p. 5 of the NIJ Regulation).

### 3.2. Sector Rationale – Not Applicable for the project

### 3.3. Results:

**PHASE ONE:**

<table>
<thead>
<tr>
<th>Sub-project1: Improvement of the magistrates status and strengthening the capacity of the Supreme Judicial Council</th>
</tr>
</thead>
</table>

- Criteria and mechanisms for the realization of disciplinary liability of magistrates developed and put into practice.

- Criteria and methods for verification of the quality of the magistrates’ work developed and put into practice.
- Legislative framework of magistrates’ legal status improved, in accordance with the provisions of the European Charter on the status of judges.

- Quality of justice and magistrates’ responsibility towards their official duties and work raised as a result of the new mechanism for disciplinary liability.

- Mechanism of staff recruitment at the Supreme Judicial Council developed, mechanism for SJC staff qualification and management based on the best European practices developed. A manual published;

- Mechanism of drawing up, presentation, allocation, control over and management of the budget by the Supreme Judicial Council refined: a budget management software product developed;

- European programmes and projects unit developed within the administration of the Supreme Judicial Council, as a part of the adequate preparation of SJC’ members for the forthcoming EU membership of Bulgaria and in the context of the development of the Judiciary;

- Mechanism for regular provision of information by the Supreme Judicial Council to the public developed

**Sub-project 2: Training of magistrates and administrative staff**

- Fully operational program for initial training for young judges and prosecutors updated and strengthened.

- Strengthened institutional capacity of the NIJ and program for permanent training cycle on EC/EU law developed.

- Program for provision of modern forms (distance learning) of continuing training for magistrates and administrative staff developed and put into practice.

- Fully operational research and publications centre (with library) established, provided with the necessary methodology, personnel, know-how.

**PHASE TWO:**

3.3.1 **Sub-project 2: Training of magistrates and administrative staff**

3.3.1.1 **Purpose**

- Improvement of the legal framework of the magistrates’ status and development of the principle of impartiality and transparency in their appointment and work, provision of high quality of training for magistrates and administrative staff, improvement of the management of the judiciary

3.3.1.2 **Results:**

- Beginning of the work of the research and publications centre at the NIJ through the delivery of the necessary equipment for its work.

**Sub-project 3: Implementation of the New Penal Procedures Code Strengthening the interagency cooperation between Public Prosecutor’s Office(PPO) and other concerning bodies in fighting organized crime and corruption**
- Assessment of legal environment of PPC in order to ensure coherence between new PPC and relevant legislation (Judicial system Act, Ministry of Interior Act, Penal Code, Law on Special Intelligence Min the PPC. Elaboration of proposals for amendments.

- Defined needs for training of the prosecutors on the implementation of the new Penal procedure Code following the introduction of norms establishing the prosecutor as *dominus litis* of the pretrial proceedings

- Developed practical rules of co-operation between the prosecution and law enforcement bodies with investigative powers (Ministry of interior agencies, customs etc…) reflecting the principle of the new PPC that the actions of the investigative authorities are under the permanent guidance and supervision of the supervising prosecutor ensuring the principle of team work;

- Developed practical measures and training programme for all agencies concerned to implement special investigation means enshrined in the new Penal Procedures Code, including the undercover agent, which is a new adoption of the acquis in the Bulgarian legislation;

- Established effective national network for legal cooperation in long term investigations against organized crime, corruption and money laundering in order to enhance the Bulgarian capacity to actively participate in international networks and settings such as EUROJUST, the EUROPEAN JUDICIAL NETWORK or EUROPOL

- Developed practical measures to enforcement of the European arrest warrant

3.4. Activities:

PHASE ONE:

**Sub-project 1: Improvement of the magistrates status and strengthening the capacity of the Supreme Judicial Council**

- Survey and analysis of the existing legal regulation on the magistrates’ legal status and its comparison with the EU Member States legislation and the European Charter on the Status of Judges.

- Survey and analysis of the existing legal regulation and mechanisms for the realization of the magistrates’ disciplinary liability and their comparison with those of the EU Member States

- Survey and analysis of the existing legal regulation on the criteria and the means for verification of the quality of the work, performed by the magistrates and its comparison with the EU Member States legislation

- Elaboration of detailed action plan.

- Drafting recommendations in connection with the need for changes in the mentioned spheres.

- Elaboration of objective criteria for the selection, appointment, promotion and downgrading of magistrates.

- Elaboration of objective criteria for the verification of the work performed by the magistrates.

- Elaboration of criteria and mechanisms for the realization of the magistrates’ disciplinary liability.

- Elaboration of a package for legislative amendments for the improvement of the legal framework of the magistrates’ legal status, the criteria and mechanisms for their selection, appointment, promotion 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.
- Refining the existing mechanism of staff recruitment, evaluation and promotion in the administration of SJC

- Review and analysis of the existing structures and practices of judicial system management in the Member States of the European Union, and their comparison with the system in Bulgaria

- Developing training and re-training programmes and involving all staff members of the administration of SJC in those programmes, in line with their functions and tasks.

- Setting up, within the administration of SJC, a unit in charge of organising and carrying out the competitions for magistrates.

- Adequate preparation of SJC’s members and administration in view of the forthcoming membership of the European Union and the development of the Judiciary

- Setting up, within the administration of SJC, of a unit in charge of managing European projects and programmes, and training the staff to implement those programmes.

- Keeping track of and analysing any existing and future recommendations of various EU institutions in the field of justice, and briefing regularly the members of SJC.

- Organising training events in EU Member States in view of presenting the best European practices.

- Improving the budget management of the Judiciary

- Training the staff at the financial department to work with uniform accounting software products.

- Qualifying the staff at the financial department to draw up budget forecasts for the financial resources needed for the Judiciary.

- Training and familiarising the audit unit within the administration of SJC with the European financial monitoring and audit systems.

- Building up a mechanism for the regular provision of information to the public

- Regular releases of a newsletter reporting on the work of the Judiciary.

---

**Sub-project 2: Training of magistrates and administrative staff**

- Overview and development of programmes for initial training of young judges and prosecutors (target group, duration, organisation, curricula, trainers, training materials, equipment etc.).

- Update of the existing basic courses in EC/EU law and development of new specialised courses for magistrates.

- Development of programs for distance learning for continuing training of magistrates and administrative staff.

---

**PHASE TWO:**

**Sub-project 2: Training of magistrates and administrative staff**

- Delivery of the necessary equipment and literature for the research and publications centre of the NIJ.

---

**Sub-project 3: Implementation of the New Penal Procedures Code: Strengthening the interagency cooperation between Public Prosecutor’s Office (PPO) and other concerning bodies in fighting organized crime and corruption**
- Proposals for amending other laws relevant in the pre-trial phase in order to ensure coherence with the new PPC

- Assessment of needs for training of the prosecutors (in particular if investigators will be transferred to the prosecution) on the implementation of the new Penal Procedure Code following the introduction of norms establishing the prosecutor as dominus litis of the pretrial proceedings

- Assessment of the new PPC in view of establishing transparent and concrete rules for practical co-operation between the prosecution and law enforcement bodies with investigative powers (Ministry of interior agencies, customs etc…) reflecting the principle of the new PPC that the actions of the investigative authorities are under the permanent guidance and supervision of the supervising prosecutor ensuring the principle of team work;

- Developed practical measures and assess training needs in all agencies concerned to implement special investigation means enshrined in the New Penal Procedures Code, including the undercover agent, which is a new adoption of the acquis in the Bulgarian legislation;

- Established effective national network for legal cooperation in long term investigations against organized crime, corruption and money laundering in order to enhance the Bulgaria’s capacity to actively participate in international networks and settings such as EUROJUST, the EUROPEAN JUDICIAL NETWORK or EUROPOL;

- Developing of practical measures to implement European arrest warrant and its procedures; Setting up of liaisons and methodology to enforce the European arrest warrant; Creation of conditions for access the Schengen Information System in real time; Setting up of mechanisms for effective exchange of information; Carrying out of specialized training in the field

3.5. Means:

PHASE ONE

Sub-project 1: Improvement of the magistrates status and strengthening the capacity of the Supreme Judicial Council

-Twinning
- Selection of a Twinning partner and signing of the Twinning Contract
- Appointment of RTA:

Tasks of the RTA

The twinning institution shall be well acquainted with the management of the judiciary and the provision of analysis of its needs. The twinning institution must be closely linked to, or preferably be within the structures of the governmental administration of an EU Member State.

The RTA will be responsible for ensuring the delivery of the project results. The RTA will be based at the Ministry of Justice in Sofia.

In particular his/ her responsibilities will include:

- Participation in the preparation of recommendations for the improvement of the Bulgarian legislation.
- Assistance in the drafting of amendments to the legislation.
- Professional assistance for the project implementation in partnership with the beneficiaries and the national coordinator of the project.
- Methodological assistance for the evaluation and the analysis of the information.
- Coordination and supervision of the activities of the short- and medium-term experts.
- Overall monitoring for the project implementation.

**The RTA should meet the following professional requirements:**
- Highly qualified active jurist with a long experience in the judicial system.
- Experience in the drafting of legislative proposals.
- Professional experience in structures/organizations for the selection of magistrates, and/ or in such for the realization of disciplinary liability.
- Knowledge about the Bulgarian judicial system will be an advantage.
- High professionalism and analytic skills.
- Fluency in English.
- Computer literacy.
- High communication skills.

**Short- and Medium-term Experts**
- Short- and medium-term experts shall work in areas not directly covered by the RTA, and in particular:
  - Elaboration of amendments to legislative texts in the sphere of the realization of magistrates' disciplinary liability and their legal status;
  - Methodological assistance for the evaluation and analysis of the information.

The concrete assignments and further topics will be subject of the Covenant.
- Set up of the Working group under the project
- Obtaining EU experts’ assistance
- Conduction of analysis and assessment of the Bulgarian legislation in the respective spheres
- Drafting reports in view of the discovered disadvantages of the system
- Preparation of recommendations in view of reforms
- Organization of conferences, study visits and public discussions

**Sub-project 2: Training of magistrates and administrative staff**

**Twinning**

The project will be implemented through twinning with one or more Member States. There will be one Twinning Covenant signed. In all the twinning projects, 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 a full-time Member State expert – RTA. The RTA will work on a day-to-day basis with the beneficiaries and accompany the
implementation of the twinning project. The RTA will be required to work in Bulgaria in the course of entire duration of the Project. The proposed duration of his/her stay would be 24 months.

PHASE TWO:

<table>
<thead>
<tr>
<th>Sub-project 2: Training of magistrates and administrative staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>- <strong>Investment</strong>: Signing of a contract for supply of equipment and literature.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sub-project 3: Implementation of the new Penal Procedures Code - Strengthening the interagency cooperation between Public Prosecutor’s Office (PPO) and other concerning bodies in fighting organized crime and corruption</th>
</tr>
</thead>
<tbody>
<tr>
<td>Twinning:</td>
</tr>
<tr>
<td>- Selection of a twinning partner</td>
</tr>
<tr>
<td>- Signing of a twinning covenant</td>
</tr>
<tr>
<td>- Appointment of RTA</td>
</tr>
<tr>
<td>- Short- and Medium-term Experts</td>
</tr>
</tbody>
</table>

3.6. Linked activities:

**National PHARE Programme:**

**PHARE 1999** *Strengthening the Independence of the Judiciary and Building the Capacity of the Ministry of Justice* (2 Meuro). 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** *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.

**PHARE 2002** *Implementation of the Judicial Reform Strategy* (10 800 Meuro). 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).

Under **PHARE-horizontal project (ZZ 9910.02.01)** a curriculum for training with an emphasis on the ECJ’s jurisprudence has been developed for the Magistrates’ Training centre.

A two-years **PHARE twinning project BG 2002/IB/JH/01/B** was launched in order to strengthen the National Institute of Justice. It is supposed to start at the autumn of 2003 and is aiming to support NIJ in the areas of its internal organisation, the initial and continuing training for magistrates and administrative staff, training in EU law and creation of a documentation centre and a computer laboratory.

The **PHARE twinning project BG/2002/IB/JH/04** “Strengthening the institutional capacity of the PPO for combating organized and economic crime and corruption” and the **PHARE twinning project BG/2000/IB/JH/01** “Strengthening of Public Prosecutor’s Office”.

**PHARE Horizontal:**
There is also a National PHARE Programme in the field of Justice and Home Affairs which involves ten applicant countries, including Bulgaria. Three of its components are especially designed for the Judiciary, viz.:

- **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.

**USAID**

Within the USAID the Judicial Development Project carries 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 project is concentrated over the improvement of the judicial administration – improvement of the citizens’ access to the courts and of the court security. The following activities have been carried out: reorganization of premises, changes in the administrative processes, standardization and equalization of forms and manuals, research of the reasons for the delay of cases, introduction of the position of court administrator, carrying out of courses for court personnel and court management on different topics. A substantive element is the automatization of the administrative processes. Until now, the 11 pilot courts under the project have been equipped with hardware, software, local networks and communication means.

Since its creation MTC was supported by USAID in its institutional development and the creation of an on-job training programme for young and sitting judges.

**American Bar Association – Central and Eastern Europe Legal Initiative (ABA/ CEELI)** contributes to the amendment in the insolvency procedures, as well as to the delivery of expert assistance in the sphere of bank liquidation and the administration of these procedures. Activities include: financing of individual trainings of officials in the judicial systems, as well as organization of moot courts in EC Law.

**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. In its essence the programme represents training of trainers. Since 2000, two MATRA sponsored projects have contributed to the development of a basic course and two specialised courses in EU-law at the Magistrates’ Training Centre.

**Open Society Foundation/ COLPI and ABA/ CEELI** finance a project for the creation of press offices within the different bodies of the judicial system. Means for the training of public prosecutors and investigators has been assigned, as well as for plans for their training.

The current project builds on the attainments of the previous projects and follows their measures aimed at reforming and modernising the Judiciary and enhancing its efficiency.

3.7 Lessons learned:

Need of close collaboration and coordination between the Ministry of Justice and the Supreme Judicial Council, in order to ensure adequate division and differentiation of their responsibilities in practice and later on-to ensure the necessary legislative amendments in reference with the measures on the magistrates’ status. Need of good collaboration with the Ministry of Finance and the Ministry of Interior in order to facilitate the achievement of the results of sub-project 3.

4. Institutional Framework
Beneficiaries of the project will be the Supreme Judicial Council, the Public Prosecutor’s Office, the National Institute of Justice and the Ministry of Justice.

In reference with the exercise of control over the performance of the project activities, there will be a joint Project Steering Committee composed of representatives from the Supreme Judicial Council, Ministry of Justice, Public Prosecutor’s Office and the National Institute of Justice.

The results of the project will not lead to changes in the aforementioned institutional framework.
5. Detailed budget

<table>
<thead>
<tr>
<th>Year 2004/ Phase 1</th>
<th>EU Support</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Invest Support</td>
<td>Institution Building</td>
</tr>
<tr>
<td>Contract 1</td>
<td>2 years Twinning</td>
<td>Sub-project 1</td>
</tr>
<tr>
<td>Contract 2</td>
<td>2 years Twinning</td>
<td>Sub-project 2</td>
</tr>
<tr>
<td>Total:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>In €M Year 2005 - Investment support jointly co funded</th>
<th>PHARE/Pre-Accession Instrument support</th>
<th>Co-financing</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sub-project 1</td>
<td>300 000</td>
<td>100 000</td>
<td>100 000</td>
</tr>
<tr>
<td>Sub-project 2</td>
<td>Training/Technical Equipment</td>
<td>300 000</td>
<td>100 000</td>
</tr>
<tr>
<td>Investment support – sub-total</td>
<td>300 000</td>
<td>100 000</td>
<td>100 000</td>
</tr>
<tr>
<td>% of total public fund</td>
<td>75 %</td>
<td>25 %</td>
<td></td>
</tr>
</tbody>
</table>

*In case of parallel co-funding (per exception to the normal rule, see the following special condition: No parallel co-financing

<table>
<thead>
<tr>
<th>Year 2005 Institution Building support</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Sub-project 3</td>
<td>Strengthening the PPO</td>
</tr>
<tr>
<td>IB support</td>
<td>800 000</td>
</tr>
<tr>
<td>Total project 2005</td>
<td>1 100 000</td>
</tr>
</tbody>
</table>

(*) contributions from National, Regional, Local, Municipal authorities, FIs loans to public entities, funds from public enterprises

(**) private funds, FIs loans to private entities
National co-financing will be provided by the State budget through “National Fund” Directorate, Ministry of Finance in the form of joint co-financing together with Phare funds.

6. Implementation Arrangements

6.1. Implementing Agency

The Central Financing and Contracting Unit (CFCU) will be responsible for tendering, contracting, payments and financial reporting: 1040 Sofia, 4, Slavyanska str., cfcu@techno-link.com

The Supreme Judicial Council, the National Institute of Justice and the Public Prosecutor’s Office will be responsible for the implementation and the management of the project:

- Supreme Judicial Council: 9, Saborna str., 1000 Sofia, Bulgaria, tel./fax +359 2 9807632;
- National Institute of Justice: 14, Ekzarh Yossif str., 1301 Sofia, Bulgaria;
- Public Prosecutor’s Office: 2, Vitosha blvd., 1000 Sofia, Bulgaria.

In reference with the exercise of control over the performance of the project activities, there will be a joint Project Steering Committee composed of representatives of the Supreme Judicial Council, Ministry of Justice, Ministry of Interior, Public Prosecutor’s Office and the National Institute of Justice.

The Project leader will be a member of the Supreme Judicial Council.

There will be separate component leaders for each Sub-project, in order to ensure autonomous management and implementation.

Component leaders for the different sub-projects will be nominated, as follows:

- Sub-project 1 – component leader: member of the Supreme Judicial Council
- Sub-project 2 – component leader: representative of the National Institute of Justice
- Sub-project 3 – component leader: representative of the Public Prosecutor’s Office

The Supreme Judicial Council shall work in close collaboration with the Ministry of Justice: 1040 Sofia, 1, Slavyanska str., tel./fax +359 2 9809223.

The PPO will ensure a management team to handle all aspects of implementation and will work in close cooperation with the Ministry of Interior, the CFCU and the EC Delegation in Sofia.

The project’s logistic support will be performed jointly by the Units for project implementation at the respective beneficiaries.

The results of the project will not lead to changes in the aforementioned institutional framework.

Contact persons for project implementation:

Sub-project 1:

Ms. Cvetelina Cholakova, Head of Unit “European Integration “, SJC, tel.: (+359 2) 93709 43, e-mail: cholakova@delbg.com

Ms. Galina Gospodinova, Junior expert in European Integration and International Co-operation, SJC, tel.: (+359 2) 93709 43.
Sub-project 2:
Mr. Dragomir Yordanov
National Institute of Justice
Bulgaria, 1301 Sofia
14, Ekzarh Yossif Str.
Tel.: +359 2 9359 111; Fax: +359 2 9359 101
E-mail: mtc@dir.bg

Sub-project 3:
Mr. Hristo Manchev
Deputy Prosecutor General of the Republic of Bulgaria
and Leader of the Supreme Cassation Prosecutor’s Office

Contact person:
Mr. Nedko Sachariev - Senior Expert International Legal Assistance - SCPO
2, Vitosha Blvd., 1040 Sofia, Bulgaria
Tel: +359 2 9219 506
Fax: +359 2 9876787
E-mail: PHARE@prb.bg

6.2. Non-standard aspects:
The non-standard aspects of the project will be managed under DIS rules.

6.3. Contracts
Year 1/Phase 1:
Sub-project 1, Contract 1 - Twinning contract
Sub-project 2, Contract 2 - Twinning contract

Year 2/Phase 2
Sub-project 2, Contract 3 - Contract for supply of equipment
Sub-project 3, Contract 4 - Twinning contract

<table>
<thead>
<tr>
<th>Sub-project 1: Improvement of the magistrates status and strengthening the administrative capacity of the Supreme Judicial Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Call for proposals - 3Q 2004</td>
</tr>
<tr>
<td>Start of project activity - 2Q 2005</td>
</tr>
<tr>
<td>Project completion - 2Q 2007</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sub-project 2: Training of magistrates and administrative staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phase One</td>
</tr>
<tr>
<td>Call for proposals - 3Q 2004</td>
</tr>
<tr>
<td>Start of Project Activity - 2Q 2005</td>
</tr>
<tr>
<td>Project Completion - 2Q 2007</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Phase Two</th>
</tr>
</thead>
<tbody>
<tr>
<td>Start of tendering - 3Q 2005</td>
</tr>
<tr>
<td>Project Completion - 2Q 2006</td>
</tr>
</tbody>
</table>
Sub-project 3: Implementation of the new Penal Procedures Code - Strengthening the interagency cooperation between Public Prosecutor’s Office (PPO) and other concerning bodies in fighting organized crime and corruption

Start of tendering/call for proposals: 2Q2005
Start of project activity: 4Q 2005
Project completion: 2Q 2007

8. Equal Opportunity
The dimension of equal opportunity and gender equality will be integrated into all levels of the project. This requirement 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. Rate of Return – NA

11. Investment Criteria
   1.1 Catalytic effect: - N.A.

   1.2 Co-financing:
   The degree of national co-financing will be up to 10% of the value of PHARE twinning contracts, and 25% of the total value of investment contracts. The State Budget through the National Fund Directorate within the Ministry of Finance will cover the national co-financing.

12. Conditionality and Sequencing
The project shall insure support to the Strategy for the reform of the judiciary. The implementation of the project will contribute to the accomplishment of the objectives set out in the Accession Partnership and the NPAA, and thus all recommendations of the European Commission contained in the Regular Report will be fulfilled. Before the project starts, there will be defined the tasks and responsibilities of the participating institutions. This will be done immediately after the approval of the project and before its beginning.

The start of this project is subject to the adoption of the new Penal Procedures Code. In addition, the selection of twinning partners for this project may not start before the management of the PPO has taken all necessary measures to implement the recommendations concerning the structure, organisation and management methods in the PPO as agreed upon by the PPO previous EU MSs twinning partners and PPO management, as well as proposed within the EU JHA peer review missions. At least two months before the scheduled general twinning selection date for Phare 2005 projects the PPO shall notify formally the EC Delegation to Bulgaria about the implementation of these recommendations.

The Ministry of Justice jointly with the Supreme Judicial Council will set up a working group for the management of the Project. The main coordination under the Sub-project 4 remains with PPO; The PPO and the Ministry of Interior will designate respective project coordination teams. It is expected full coordination and transparency in the work of all key players involved.

The work on the project will be done in the conditions of maximum co-operation on part of the Bulgarian institutions.
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
2. Detailed implementation chart
3. Contracting and disbursement schedule
4. Reference List of Relevant Laws and Regulations
5. Reference List of Feasibility / Pre-feasibility Studies
6. Reference list of Strategic Plans and Studies
## ANNEX 1
### PHARE Logframe

<table>
<thead>
<tr>
<th>LOGFRAME PLANNING MATRIX</th>
<th>Programme name and number</th>
<th>PHARE 2004</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Total budget Year 2004:</strong> 2 400 000 Euro</td>
<td><strong>EU budget Year 2004:</strong> 2 400 000 Euro</td>
</tr>
<tr>
<td></td>
<td><strong>Total Budget Year 2005:</strong> 1 100 000 Euro</td>
<td><strong>EU Budget Year 2005:</strong> 1 200 000 Euro</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Overall objective</th>
<th>Objectively verifiable indicators</th>
<th>Sources of verification</th>
</tr>
</thead>
</table>
| To support the bodies of the judiciary and the executive in the implementation of the Strategy for the reform of the judiciary and in the introduction of European standards directed towards raising the quality of justice. | • Rapprochement of the Bulgarian legislation with the European one  
• Strengthened administrative capacity of the Supreme Judicial Council. | • Regular Reports for the progress of Bulgaria  
• European Commissions reports for the judiciary |

<table>
<thead>
<tr>
<th>Project Purpose (Sub-Project 1)</th>
<th>Objectively verifiable indicators</th>
<th>Sources of verification</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>To ensure the accountability of the Judiciary vis-à-vis the public</td>
<td>Recommendations with regards to the necessary amendments of the legislation elaborated.</td>
<td>Progress reports on NPAA</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Improvement of the legal framework of the magistrates’ status and development of the principle of impartiality and transparency in their appointment and work, including through elaboration and establishment of objective criteria and mechanisms for selection, appointment, promotion and downgrading of the magistrates, for verification of the quality of the work performed by them, as well through improvement of the mechanism for the realization of disciplinary liability of the magistrates</td>
<td>Proposals for amendments of the legislation drafted.</td>
<td>Adopted legislative amendments by the Parliament</td>
<td></td>
</tr>
<tr>
<td>To establish effective administrative functioning through an improved mechanism for management, assessment criteria and promotion system for the SJC administration</td>
<td>Presentation and introduction of the proposals on behalf of the National Assembly.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To strengthen SJC’s capacity to implement and monitor EU projects and programmes in reference with the future accession of Bulgaria to the EU.</td>
<td>Objective and transparent mechanism for realization of the disciplinary liability functioning in practice.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To improve the budget management of the Judiciary</td>
<td>Manual on rules for management, assessment criteria and promotion mechanism for the SJC administration published.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### (Sub-Project 2)

**To ensure the accountability of the Judiciary vis-à-vis the public**

Strengthen the capacity of the National Judicial Institute to provide high quality training to the magistrates and

- Recommendations with regards to the necessary amendments of the legislation elaborated.
- Proposals for amendments of the legislation drafted.
- Presentation and introduction of the proposals on behalf of the National Assembly.
- Objective and transparent mechanism for realization of the disciplinary liability functioning in practice.
- Manual on rules for management, assessment criteria and promotion mechanism for the SJC administration published.
- Establishment of a specialized Unit on European Integration within the administration of SJC. The Unit strengthened.
- Training for the staff delivered
- Regular release of a newsletter reporting on the work of the Judiciary
- Rapprochement of the Bulgarian legislation with the European one

- Progress reports on NPAA
- Adopted legislative amendments by the Parliament

- Willingness and active interest of the participants
- Cooperation of the parties in gathering the relevant information and working together
- Training seminars fully completed
- Successful completion of reviews of the existing structures and practises within the EU
- Successful needs analyses for the SJC administration prepared

- Quarterly and Monitoring reports on the progress of the project
- Regular reports of contractors

- Regular reports of contractors
administrative staff and conduct research and publications for the judiciary

(Sub-Project 3)

? Strengthening the capacity of the Public Prosecutor’s office and other concerning bodies in fighting organized crime and corruption

? Identifying and implementing practical measures for strengthening the interagency cooperation between Public Prosecutor’s office (PPO) and other concerning bodies in fighting organized crime and corruption.

? Developing practical measures for implementing of newly adopted acquis in the field.

<table>
<thead>
<tr>
<th>Results</th>
<th>Objectively verifiable indicators</th>
<th>Sources of verification</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>YEAR ONE</td>
<td>Revised strategy in order to reform the judiciary in Bulgaria, Decision of the Council of Ministers # 260, 21.04.2003</td>
<td>Evaluation reports</td>
<td>?Support from decision-makers and relevant institutions;</td>
</tr>
<tr>
<td>Sub-Project One</td>
<td>Crime decrease</td>
<td>Crime statistics</td>
<td></td>
</tr>
<tr>
<td>• Criteria and mechanisms for the realization of disciplinary liability of magistrates developed.</td>
<td>Effective interagency cooperation in place;</td>
<td>Records of PPO and other concerned bodies</td>
<td></td>
</tr>
<tr>
<td>• Criteria and methods for verification of the quality of the magistrates’ work developed.</td>
<td>Practical measures for implementing of newly adopted acquis in place</td>
<td>State Gazette</td>
<td></td>
</tr>
<tr>
<td>• Legislative framework of the magistrates’ legal status improved.</td>
<td>• Improved procedure for the realization of magistrates' disciplinary liability, relevant rules drafted and put into practice</td>
<td>EU Commission Regular Report;</td>
<td></td>
</tr>
<tr>
<td>• Quality of justice raised.</td>
<td>• Clear status of the magistrates established, relevant rules drafted and put into practice</td>
<td>• Undertaken and implemented legislative amendments</td>
<td>• Willingness and active interest of the participants</td>
</tr>
<tr>
<td>• Magistrates’ responsibility towards their official duties and work raised</td>
<td>• Availability of concretely developed mechanism for verification of the quality of the work, performed by the magistrates</td>
<td>Public surveys</td>
<td>• Cooperation of the parties in gathering the relevant information and working together</td>
</tr>
<tr>
<td></td>
<td>• Length of the court proceedings reduced</td>
<td>Reports and analysis on the court proceedings</td>
<td>• Training seminars fully completed</td>
</tr>
</tbody>
</table>
• Social confidence in the judiciary increased.
• Improved administrative organization and improved mechanism for staff management and evaluation.
• Improved mechanism for Judiciary budget management
• Curricula for initial and on-the-job training of the administration developed
• Adequate preparation and strengthened capacity of the SJC in reference with the forthcoming EU membership of Bulgaria.
• Establishment of a mechanism ensuring regular provision of information to the public.

Sub-Project 2

• Institutional capacity of NJI to provide adequate initial training for young judges and prosecutors strengthened
• Institutional capacity of NJI to provide relevant training on EC/EU law for all magistrates strengthened
• Institutional capacity of NJI to provide

<table>
<thead>
<tr>
<th>Sub-Project 2</th>
<th>Number of disciplinary proceedings against magistrates</th>
<th>The increase of public confidence of fair justice</th>
<th>Manual published</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Training of the staff on uniform accounting software products and on preparation of budget forecasts delivered</td>
<td>The staff of SJC administration trained</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The staff of SJC administration trained</td>
<td>Unit for management and implementation of EU projects and programmes and other related European Integration activities established. Training for the staff delivered.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Evaluation reports</td>
<td>Undertaken and implemented legislative amendments</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Regular releases of a newsletter with reports on the work of the Judiciary</td>
<td>Public surveys</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Reports on the implementation of Strategy in order to reform the judiciary</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

• Quarterly and Monitoring reports on the progress of the project
• Regular reports of contractors
systematic continuing training for magistrates and administrative staff strengthened

YEAR TWO
Sub-Project 2
- Beginning of the work of the research and publications centre at the NIJ through the delivery of the necessary equipment for its work.

YEAR TWO
Sub-Project 2
- Delivery of the equipment

Sub-Project 3:
Sub-component 1: Qualification programs for methodological guidance of the investigating bodies

- Defined needs and recommendations for the methodological principals to be covered by the qualification programs;
- Developed and implemented qualification programs for methodological guidance of the investigating bodies from the PPO and Ministry of Interior;
- Set up joint teams on central and local level to implement the qualification programs for methodological guidance;
- Effective interagency cooperation mechanisms in place;
- Meeting the requirements of the EC in combating organised crime and corruption;
- Trained targeted groups of relevant staff of PPO and other concerning bodies;
- Elaborated investigation methodology in place;
### Sub-component 2: Practical measures to implement the undercover agent

- Developed practical measures to implement the undercover agent, which is a new adoption of the *acquis* in the Bulgarian legislation.
- Set up liaisons and methodology to carry out the investigation;
- Elaborated and tested mechanisms for contacting the undercover agent.
- Defined officials having access to the information gathered by the undercover agent in respect to the needs of the penalty procedure.

### Sub-component 3: Special intelligence tools (SIT)

- Carried out assessment of the current Law on the special intelligence tools and related provisions in the Penalty Procedure Code;
- Elaborated proposals for legislative amendments in respect to the utilization of SIT in the penalty procedure and gathering of evidence for the accusation.
- Created conditions for access to information through SIT in real time.

### Sub-component 4: Establishing of an effective network for cooperation in long term investigations against
organized crime

Established effective network for legal cooperation in long term
• Developed of efficient tools for accessing the information in long term investigations;
• Setting up of efficient network for legal cooperation in long term investigations;
• Carried out of joint conferences, seminars, etc.
• Set up mechanisms for effective exchange of information.

Sub-component 5: Introduction of unified criteria for combating drug-traffic, traffic in human-beings and money laundering

• Assessed needs;
• Elaborated unified criteria;
• Set up specialized units for implementation;
• Developed and implemented measures, addressed to the human resources and strengthening of coordination between the law-enforcement bodies in the field.

Sub-component 6: Developed practical measures to enforcement of the European arrest warrant
• Developed practical measures to

• Twinning reports
• Monitoring by EU Delegation
• Records of the PPO and other concerned bodies

• Support from decision-makers and other relevant institutions
• Adequate provision from state budget
implement the European arrest warrant, which is a new adopted framework decision of the acquis;  
• Set up liaisons and methodology to enforce the European arrest warrant and its procedures;
Created conditions for use of Schengen Information System in real time.

<table>
<thead>
<tr>
<th>Activities</th>
<th>Means</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>YEAR ONE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sub-Project 1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| ?Survey and analysis of the existing legal regulation on the magistrates’ legal status and its comparison with the EU Member States legislation. | • Selection of a Twinning partner and signing of the Twinning Covenant  
• Appointment of RTA  
• Set up of the Working group under the project  
• Obtaining EU experts’ assistance  
• Conduction of analysis and assessment of the Bulgarian legislation in the respective spheres  
• Drafting reports in view of the discovered disadvantages of the system  
• Preparation of recommendations in view of reforms  
• Organization of conferences, study visits and public discussions | • Considerable commitment on behalf of the participants in the Working group, the civil servants and magistrates involved in the project's implementation |
| • Survey and analysis of the existing legal regulation and mechanisms for the realization of the magistrates’ disciplinary liability and their comparison with those of the EU Member States |                                            |                                                       |
| • Survey and analysis of the existing legal regulation on the criteria and the means for verification of the quality of the work, performed by the magistrates and its comparison with the EU Member States legislation. |                                            |                                                       |
| • Elaboration of detailed action plan. |                                            |                                                       |
| • Drafting recommendations in connection with the need for changes in the mentioned spheres. |                                            |                                                       |
- Engagement of the society, non-governmental and professional organizations towards the treated problems.
- Elaboration of objective criteria for the selection, appointment, promotion and downgrading of magistrates.
- Elaboration of objective criteria for the verification of the work performed by the magistrates.
- Elaboration of criteria and mechanisms for the realization of the magistrates’ disciplinary liability.
- Elaboration of a package for legislative amendments for the improvement of the legal framework of the magistrates’ legal status, the criteria and mechanisms for their selection, appointment, promotion 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.

<table>
<thead>
<tr>
<th>Review and analysis of the existing practice for judicial management, development of training programmes and drafting of an administrative manual.</th>
<th>• Working meetings between the experts, members of the SJC and of the administration</th>
<th>• Cooperation of the parties in gathering the relevant information and working together</th>
</tr>
</thead>
<tbody>
<tr>
<td>? Training and qualification for the staff ensured by the experts on uniform accounting software products and familiarising the audit unit within the administration of SJC with the European financial monitoring and audit systems.</td>
<td>• Working meetings between the experts, members of the budgetary commission of SJC and members of the administration</td>
<td>• Cooperation of the parties in gathering the relevant information and working together</td>
</tr>
<tr>
<td>? Development of curricula for initial and continuing training of the judicial staff by the experts.</td>
<td>• Seminars-debates for the staff</td>
<td>• Training seminars fully completed</td>
</tr>
<tr>
<td></td>
<td>• Seminars for training of the staff</td>
<td>• Willingness and active interest of the participants</td>
</tr>
<tr>
<td>Setting up of a Unit in charge of EU programmes and projects and other related European Integration activities within the administration of SJC. Training of the staff.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Establishment of a mechanism for provision of information to the public</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Working meetings between the experts, members of the SJC and of the administration</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Working meetings between the experts, members of the SJC and the adminstration.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Training seminars for the staff</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Study visits in EU Member States for the staff from the Unit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Working meetings between the experts, members of the SJC and the PR officer within the administration.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Development of a mechanism for newsletter release by the experts</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cooperation of the parties in gathering the relevant information and working together</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Willingness and active interest of the participants</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Training seminars fully completed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Willingness and active interest of the participants</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Training seminars fully completed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Successful release of the newsletter.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Willingness and active interest of the participants</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Training seminars fully completed</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Sub-Project 2
- Improvement and development of the programme for initial training of young judges and prosecutors (curriculum, trainers, training materials, equipment etc.).
- Updating of the existing basic courses in EC/EU law and development of new specialised courses for magistrates
- Development of modern forms (distance learning) for continuing training of magistrates and administrative staff

## YEAR TWO
### Sub-Project 2
1. Creation of a research and publications unit at the NIJ, provided with the necessary equipments and literature.

### Sub-Project 3
Qualification programs for methodological guidance of the investigating bodies

2. Practical measures to implement the

### YEAR TWO
#### Sub-Project 2
? Sign of a contract of supply

## YEAR TWO
? Improvement of the functioning and the organization of the judiciary through delivering high quality training of magistrates and administrative staff and conducting legal and judicial research by a national public institution, disposing of relevant staff, methodology, know-how and equipment
<table>
<thead>
<tr>
<th>undercover agent</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Special intelligence tools (SIT)</td>
</tr>
<tr>
<td>4. Establishing of an effective network for cooperation in long term investigations against organized crime</td>
</tr>
<tr>
<td>5. Introduction of unified criteria for combating drug-traffic, traffic in human-beings and money laundering</td>
</tr>
<tr>
<td>6. Developing practical measures to enforcement of the European arrest warrant</td>
</tr>
</tbody>
</table>

**Sub-Project 3**

**Twinning contract**

- Nomination and retention of adequate staff;
- Effective co-operation with other law enforcement bodies;
- Full coordination and transparency in the work of all key players involved;
- Clearly identified mission and adequate staff;
## Detailed Implementation Chart - ANNEX 2

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Phase 1</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contract 1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot;Strengthening the SJC and improvement of the magistrates’ status&quot;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Twinning</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Call for proposals</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Start of Project Activity</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Completion</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contract 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot;Training of Magistrates and administrative staff&quot;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Twinning</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Call for Proposals</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Start of Project Activity</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Completion</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Phase 2</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contract 3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot;Training of Magistrates and administrative staff&quot;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Technical Equipment</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Start of tendering</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Completion</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contract 4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strengthening the interagency</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
cooperation between the Public Prosecutor’s Office and the other concerning bodies in fighting organized crime and corruption

Start of tendering

Project Completion

ANNEX 3 Contracting and disbursement schedule by quarter for full duration of program

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Sub-project 1 Strengthening the SJC and improvement of the magistrates’ status</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Twinning Contracted</td>
<td>1200</td>
<td>1200</td>
<td>1200</td>
<td>1200</td>
<td>1200</td>
<td>1200</td>
<td>1200</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disbursed</td>
<td>600</td>
<td>600</td>
<td>900</td>
<td>900</td>
<td>900</td>
<td>900</td>
<td>1200</td>
<td>1200</td>
<td>1200</td>
<td>1200</td>
<td>1200</td>
</tr>
<tr>
<td>Sub-project 2 Training</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Twinning Contracted</td>
<td>1200</td>
<td>1200</td>
<td>1200</td>
<td>1200</td>
<td>1200</td>
<td>1200</td>
<td>1200</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disbursed</td>
<td>600</td>
<td>600</td>
<td>900</td>
<td>900</td>
<td>900</td>
<td>900</td>
<td>1200</td>
<td>1200</td>
<td>1200</td>
<td>1200</td>
<td>1200</td>
</tr>
</tbody>
</table>
ANNEX 3-b Contracting and disbursement schedule by quarter for Year 2

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Sub-project 2 Training/</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Technical Equipment</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contracted</td>
<td>400</td>
<td>400</td>
<td>400</td>
<td>400</td>
<td>400</td>
<td>400</td>
<td>400</td>
<td>400</td>
<td>400</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disbursed</td>
<td>250</td>
<td>300</td>
<td>350</td>
<td>400</td>
<td>400</td>
<td>400</td>
<td>400</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sub-Project 3 Twinning</td>
<td>800</td>
<td>800</td>
<td>800</td>
<td>800</td>
<td>800</td>
<td>800</td>
<td>800</td>
<td>800</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

ANNEX 4- List of Relevant Laws and Regulations

- Constitution of Republic of Bulgaria
- Judicial System Act
- Strategy for reform of the Judiciary
- Revised Action Plan on the implementation of the Strategy for reform of the Judiciary
- Law on the Ministry of Interior
- Council framework decision on the European arrest warrant
- Convention on the protection of the European Communities’ Financial Interests
- Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union
  - Act of the Management Board of Europol concerning the rights and obligations of Europol liaison officers
  - UN Convention against Transnational Organized Crime
  - Council of Europe Convention on Cybercrime
  - European Convention of 8 November 1990 on Money Laundering, Search, Seizure and Confiscation of the proceeds from crime
  - Joint Action establishing a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organised crime
  - Council Framework Decision on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime
  - Joint Action on money laundering, the identification, detection, freezing or seizure of the instruments and proceeds of crime
  - Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector
  - Council Decision setting up a European crime prevention network
  - Convention on Simplified Extradition Procedures between the Member States of the European Union
  - Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union
  - European Convention on the Transfer of Proceedings in Criminal Matters
ANNEX 5. Reference list of feasibility/pre-feasibility studies, indepth ex ante evaluations or other forms of preparatory work

Roadmap for Bulgaria and Romania
Strategy for reform the of the Judiciary in Bulgaria
Program for the implementation of the Strategy for the reform of the Bulgarian Judicial System
Action plan to combat organised crime
Pre-accession Pact on Organised Crime between the Member States of the European Union and the candidates of central and Eastern Europe and Cyprus