

**ISJC - LEGAL
FRAMEWORK AND
POWERS RE:
VERIFICATION
OF DECLARATIONS
OF ASSETS
AND INTERESTS**

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Authors: Savina Trifonova and Tsvetomir Todorov

Editor: Bilyana Gyaurova-Wegertseder

Cover design: Maria Marinova

Bulgarian Institute for Legal Initiatives

Bulgaria, Sofia

G. S. Rakovski 132A str.

www.bili-bg.org

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I. Introduction

The present analysis is dedicated to one of the bodies in Bulgaria that is not very popular among the general public - the Inspectorate to the Supreme Judicial Council (ISJC). Why the ISJC? Each ministry in Bulgaria has its own inspectorate, which performs control functions by inspecting the respective administration, implementing activities to prevent and combat corruption and avoid conflicts of interest, and analyzing the work of the respective body. Some ministries, such as the Ministry of the Interior and the Ministry of Defence, even have another internal control body (the Internal Security Directorate and the Military Police Service, respectively). However, the ISJC is not like any of the other inspectorates. Firstly, because the ISJC is regulated in the Constitution of the Republic of Bulgaria. This makes it a body with a very high degree of autonomy and a high level of responsibility. Secondly, the ISJC (hereafter referred to in the text as the Inspectorate) is empowered and obliged to inspect the activities of the judiciary, and the judiciary is that authority whose role, in addition to resolving disputes between citizens and/or their legal entities, also includes control, within the framework of legal procedures, over the other two authorities (executive and legislative), thus exercising a deterrent function. The way in which this function is exercised will largely determine the overall "health" of the judiciary with its three branches - court, prosecution and investigation. However, it is not so "healthy" itself, to say the least, because it has been working outside its mandate for more than four years, its credibility among the magistrates is critically low and they do not recognise it as the institution which, in addition to monitoring their work, should also protect them when necessary. Because of its importance, the status and role of the Inspectorate have been the focus of repeated political battles over the years, which has determined the significant normative transformations it has undergone.

II. Historical Development of the Judicial Inspectorate and the Battles for the Independence of the Judiciary

The Judicial Inspectorate has a long history in Bulgaria. First established in 1911 as a unit of the Ministry of Justice, the inspectors are subordinate to the Minister of Justice and their service is equated in rank to that of senior magistrates¹. Their role is to audit all judicial activity against the following indicators:

- the quality of the work on the finalised cases and files;
- urgency;
- conduct of judges;

The Inspectorate's reports from that period are used as the basis for disciplinary proceedings against magistrates. From the very beginning of the Inspectorate's existence, the principle of not allowing

¹ See Prof. Dr. Pencho Penev, *The Judiciary in Bulgaria - Perspectives of the Bulgarian Model*, NIP 2023 pp. 136

the review of pending cases or any other action that might undermine prosecutorial or judicial independence was introduced.

The normative structure and role of the Judicial Inspectorate did not change substantially in relation to judges after the radical and dramatic socio-political changes in Bulgaria after 1944, which led to the replacement of the monarchy by a "people's" republic of socialist type with totalitarian one-party rule. The Inspectorate continued to be a separate unit of the Ministry of Justice. An important difference from the previous period is that the Inspectorate's powers exclude inspection activity in relation to the prosecution service. The reason for this is that in the socialist period of the country, the prosecutor's office was "*separated as a separate subsystem*"², which also exercised a number of specific non-judicial and pre-trial powers. In Bulgaria's "socialist" constitutions of 1947 and 1971, the principle of separation of powers did not really exist, being replaced instead by the idea of unity and indivisibility of power.³ In order to implement this principle (and de facto instrumentalize power) for the totalitarian power role of the Communist Party in the governance of the state, the Prosecutor General is elected by the National Assembly. The Prosecutor General also has legislative initiative, as well as the power to exercise supreme supervision over the implementation of the laws, to personally appoint all prosecutors and investigators (the latter until 1971), and last but not least, to participate with an advisory vote in the Presidium of the National Assembly and in the meetings of the Council of Ministers. Logically, with this over-centralisation of the prosecutor's office in the period 1948-1991, it was also the Prosecutor General who directed and supervised the activities of the system personally, reporting to the National Assembly, and there could be no question of any Inspectorate outside this structure.

Throughout much of its recent history, this body has concentrated considerable tension related to the many political and inter-institutional battles over the independence of the judiciary and the judiciary. This speaks both to the potential that the institution has and to the reasons for various attempts to publicly marginalise it.

The Constitution of the Republic of Bulgaria (CRB) of 1991 reintroduces, although not completely successfully, the democratic principles of the structure of state power. According to the Constitution, the organs of the judiciary are the courts, prosecutors' offices and investigative bodies. Constitutional guarantees were adopted for the independence of magistrates, for the free exercise of their internal convictions and for their obedience to the law alone. However, the 1991 Constitution does not provide for a separate body to review the judiciary without affecting the independence of magistrates in the exercise of their functions.⁴ Thus, the Judiciary System Act (JSA) of 1994⁵ regulates the Judicial Inspectorate again as a unit of the Ministry of Justice. Its role is to:

² Ibid.

³ See "*Establishing the Legal System in Bulgaria*", official website of the Prosecutor's Office of the Republic of Bulgaria <https://prb.bg/bg/prokuratura/istoriya>

⁴ See Prof. Dr. Pencho Penev "Structure and Organization of the Judiciary - A New Legal Course", BJA 2017, p. 11. <https://static1.squarespace.com/static/5502d30ee4b0f063546540ec/t/5921df84bf629a6e74e93b63/1716899002929/New+Legal+Course.pdf>

⁵ Judiciary System Act - Promulgated, State Gazette No 59 of 22.07.1994 -

- verifies the organisation of the initiation and movement of judicial, prosecutorial and investigative proceedings;
- proposes to the Ministry of Justice a system for upgrading the qualifications of judges, prosecutors, investigators, bailiffs, registry judges and notaries for each calendar year;
- verifies the organisation of the opening and movement of enforcement and notarial proceedings;
- provide information on its findings to the Supreme Judicial Council.

An important feature is that the Supreme Court of Cassation, the Supreme Administrative Court, the Prosecutor General's Office and the National Investigation Service are excluded from the Inspectorate's inspections.

In the turbulent years of Bulgaria's Transition, after the end of the socialist one-party totalitarianism, the judiciary too often found itself at the epicentre of the battles for political and economic influence, which in legal terms was objectified through a number of changes in the Judiciary System Act.⁶ In 2002, the National Assembly adopted a package of amendments to the Judiciary System Act (JSA), some of which completely changed the previous philosophy of the structure of the Inspectorate. First and foremost among them is that the Inspectorate should now "pass" directly to the Minister of Justice, rather than being a unit of the Ministry of Justice as it has been. This change is much more than a purely stylistic-linguistic change of words. It strengthens the opportunities for executive control over the judiciary and creates the preconditions for the judiciary not to be able to participate in inspections carried out by the Inspectorate. Secondly, the 2002 amendments to the JSA lead to the fact that the Supreme Court of Cassation (SCC), the Supreme Administrative Court (SAC), the Prosecutor General, the Supreme Administrative Prosecution (SAPO) and the Supreme Cassation Prosecution (SCP) will now be included in the scope of the inspections of the Inspectorate under the Minister of Justice. These changes in the nature of the Judicial Inspectorate are the reason for the Plenum of the SJC to request the Constitutional Court (CC) of the Republic of Bulgaria to declare the amendments to the JSA unconstitutional. The request was granted by *Decision No. 13 of 16.12.2002 of the CC of the Republic of Bulgaria in Const. case No. 17/2002*. The main motive is that the amendments to JSA, including the change of the legal basis regulating the status and functions of the Inspectorate, violate the principle of separation of powers.

⁶ For more information on the amendments of the JSA visit http://www.bili-bg.org/cdir/bili-bg.org/files/%D0%90%D0%BD%D0%B0%D0%BB%D0%B8%D0%B7_1.5_%D0%9A%D0%B0%D1%82%D0%B5%D0%B3%D0%BE%D1%80%D0%B8%D0%B7%D0%B0%D1%86%D0%B8%D1%8F_%D0%BD%D0%B0_%D0%B4%D0%B0%D0%BD%D0%BD%D0%B8_fin.pdf

III. Making the Inspectorate a constitutional body. Impossibility of the mandate.

The big change for the Inspectorate came in 2007, when the fourth amendment of the Constitution of the Republic of Bulgaria created a new Article 132a. For the first time it turned the Judicial Inspectorate into an independent, constitutionally established body. The 2007 amendments to the CRB with regard to the Inspectorate were required because the accession of Bulgaria to the European Union, following the *"Action Plan and the recommendations of the European Commission (EC) for the establishment of a new unit for evaluation (attestation) and control (inspection) in the SJC"* approved by the Council of Ministers. It should be noted that at that time, in the framework of the consultations on changes to the CRB, the Supreme Judicial Council (SJC) had an extremely negative opinion regarding the proposed changes to the Constitution and the establishment of an Inspectorate to the SJC. The Council's main argument rests on a linguistic interpretation of the Bulgarian government's agreements with the EC in the period before the country's accession to the Union. According to the opinion of the SJC, the agreement in question states that the new body (i.e. the Inspectorate) was not in fact to be a body, but a department, and not 'to' but 'within' the SJC. Another argument of the SJC against the Inspectorate is that its future establishment would be a prerequisite for disturbing the balance of control between the authorities, as it would give political representatives the upper hand by empowering the National Assembly to elect the Inspector General and inspectors. The conclusion is that *"the new Inspectorate in the SJC (the Evaluation and Supervision Department) should be a technical body that assists the SJC and its committees in the performance of the inspection, evaluation and supervision functions"*.⁷

Such a critical view of the Inspectorate, even before it was formed as a constitutional body, once again shows what fears and painful concerns have burdened its genesis all along. But are they justified?

The name Inspectorate to the SJC should not mislead that this institution is subordinate to the SJC. As prof. Pencho Penev, "to" is only a designation of belonging by place.⁸

The constitutional regulation of the Inspectorate to the SJC is currently contained in Article 132a of the CRB. According to it, it is a body consisting of a Inspector General and 10 inspectors. Art. 132a was amended by the fifth amendment of the CRB of 2015, which expanded the powers of the ISJC, which currently performs the following activities :

- verify the activities of the judiciary, without prejudice to the independence of judges, jurors, prosecutors and investigators in the performance of their functions;

⁷ <https://parliament.bg/pub/cw/192CONST%20REFORM%204th%20report%20TWINNING%20SJC%20final%20BG.pdf>

⁸ See Prof. Dr. Pencho Penev, *The Judiciary in Bulgaria - Perspectives of the Bulgarian Model*, NIJ 2023 pp. 137 and Pencho Penev, *The Independent Judicial Inspectorate in Bulgaria - Constitutional Balances and Correlations*, in *10 Years of the Inspectorate to the SJC*, p. 82.

- carries out checks on the integrity and conflict of interest of judges, prosecutors and investigators, on their property declarations, as well as on the detection of actions that undermine the prestige of the judiciary;
- carries out checks relating to violations of the independence of judges, prosecutors and investigators;

The Inspector General and the inspectors shall be independent in the exercise of their functions and shall be subject only to the law. Inspectors shall act *ex officio*, at the initiative of citizens, legal persons or public authorities, including judges, prosecutors and investigators. The Inspectorate shall address signals, proposals and reports to other State bodies, including the competent judicial authorities. The Inspectorate shall provide public information on its activities, including by submitting an annual report on its activities to the Supreme Judicial Council.

The Inspector General and the Inspectors are elected by the National Assembly by qualified majority, the term of office of the former being 5 years and of the latter - 4. It should be noted that the way in which the Inspector General and the Inspectors are elected makes the ISJC the first constitutionally established body whose leadership and composition should be elected by a qualified majority of 2/3 of the MPs. The application of this principle subsequently began to be extended and with the amendments to the CRB of 2015 it was also introduced in the election of the members of the SJC from the parliamentary quota, and subsequently in the constitution of the higher judicial and prosecutorial councils, which were divided by the amendment to the CRB of 2023. This normative approach is seen as a guarantee that the institution of the ISJC (and subsequently other bodies) will not be usurped by the political class in the country. However, this decision has proved controversial in terms of its applicability in the highly fragmented political space in which the country has found itself over the last five decades. The elections of inspectors so far are proof of this. After the initial constitution of the ISJC in 2007 and the end of the term of its first Inspector General, the election in time for a second Inspector General in 2013 failed. The procedure had to be repeated, and it was not completed successfully until 2015. The mandate of the second Inspector General ends in early 2020, but at the time of finalisation of this text (November 2024) there is still no political will to hold an election for a new Inspector General and Inspectors. Thus, in effect, the second Inspector General in history is about to complete, without being constitutionally elected, an entirely second term for which he was never nominated and voted upon. The same problem arises with the terms of Inspectors who are practically riding out a second term without having been elected to it in any way.

Naturally, the problems with the selection of the Inspector General and the inspectors of the ISJC lead to a constitutional question in 2022. After a series of publications on the subject by experts, opinions of professional magistrates' organizations and the attempt to instrumentalize the problems of the Inspectorate for political purposes, a case was initiated in 2022 in the Constitutional Court at the request of the Plenum of the SAC, with the following questions:

- *Are the powers of the Inspector General and the Inspectors of the Inspectorate to the Supreme Judicial Council terminated upon the expiry of their term of office, or do they continue to perform*

their functions until the National Assembly elects a new Inspector General or Inspectors, respectively?

- *Is it constitutionally permissible to suspend indefinitely the activities of the Inspectorate of the Supreme Judicial Council due to the expiration of the term of office of the Inspector General and the Inspectors and the failure of the National Assembly to elect new Inspectors?"⁹*

On the issues raised, the CC decides:

"Upon the expiry of the term for which they were elected, the Inspector General and the Inspectors in the Inspectorate to the Supreme Judicial Council shall perform their functions until the National Assembly elects an Inspector General and Inspectors respectively.

It is constitutionally unacceptable to automatically suspend indefinitely the activities of the Inspectorate of the Supreme Judicial Council due to the expiration of the term of office of the Inspector General and the Inspectors and the failure of the National Assembly to elect a new composition of the Inspectorate to ensure its functioning in accordance with the constitutional prescriptions. The discretionary power of Parliament is limited and the reverse undermines the democratic order under the rule of law, which is constitutionally established by the will of the sovereign as an element of the core structure of the Fundamental Law."

The cited decision, signed with a dissenting opinion by three constitutional judges, found wide public response. There is no doubt, however, that it sets a dangerous precedent, whereby an attempt to sanitize a constitutional deficit that has already occurred opens the door wide for the erosion of another constitutionally enshrined principle, namely that of legitimacy as a guarantee for the democratic constitution of the country's authorities, which is confirmed in another decision of the CC¹⁰. The fears are confirmed literally days later when the same principle is tolerated in the work of the SJC, which is now in its second year of operating outside its mandate.

The fate of the inspectors, who continue to work outside the mandate after the Decision of the Constitutional Court No. 12 of 27.09.2022, is the subject of the latest, for now, constitutional amendments of December 2023. They amend paragraph 4 of Article 132a by adding the sentence that *"After the end of their term of office, they may not hold the posts of judge, prosecutor and investigator for two years and may retire in the manner determined by law."* This text, which regulates the future of inspectors, was repealed by Decision No. 13 of 26.07.2024 of the CC in case No. 1/2024. The main argument therein is that the amendment to the Constitution proposed and voted by the National Assembly constitutes *"a restrictive measure of the right to work with free choice of profession and place of work is not consistent*

⁹ See Decision No. 12 of 27.09.2022, SG, issue no. 78 of 30.09.2022.

¹⁰ See CC Interpretative Decision No. 13 of 2010 in case No. 12/2010. Mandate is defined as a fundamental principle of the constitution and functioning of public authorities, which is consistent with the separation of powers and the rule of law, and mandate is defined as an established period of time during which a public authority exercises powers provided for in the Constitution or a law. A mandate under the rule of law streamlines state governance, making it predictable while guaranteeing the stability and independence of the authority for a certain period of time.

with the constitutional command to respect and protect the fundamental rights of the individual, and is therefore unconstitutional as invalid."¹¹

IV. Statutory place of the ISJC under the Judiciary System Act. Powers over the Verification of Magistrates' Property Declarations, Integrity and Conflict of Interest Verification. Internal rules of the ISJC

The above historical evolution of the status and powers of the Judicial Inspectorate at the constitutional level shows a persistent tendency for positional wars to develop around the body. These battles also determine the great dynamics in the regulation of the Inspectorate at the statutory level.

The structure and functions of the ISJC are regulated in detail in Chapter Three of the current Judiciary System Act (JSA). The main activities of the Inspectorate are described in Article 54. They can be summarised in a non-exhaustive manner as follows:

- **Control and inspection activities.** Practiced through inspections, which are carried out both according to pre-set annual plans and on an ad hoc basis - following signals from citizens and a wide range of legal entities, including state authorities.¹² The Inspectorate's main activity is related to its power to refer magistrates to the SJC for disciplinary proceedings;
- **Analytical activity.** It includes a summary of cases that have been concluded with a final court decision, as well as closed files and cases of prosecutors and investigators. Part of the implementation of this activity is the Inspectorate's legal possibility to request interpretative decisions and rulings;
- **Monitoring the integrity and conflict of interest of judges, prosecutors and investigators.** This is the newest activity in terms of philosophy, which is carried out by the ISJC, as a result of the changes in the CRB in December 2015. It is the manner in which the ISJC carries out this mandate that will be the focus through which its activities will be examined later in the text.

In the period from 2000 to 2016, the declaration and verification of the assets of magistrates as a means of detecting and preventing corruption and abuse of power was regulated under the general procedure for persons holding senior state and other positions. It is contained in the Public Disclosure of Financial Interests of Officials Holding High State and Other Positions Act (PDFIOHHSOPA) adopted in 2000. According to its provisions, magistrates declare their assets in the special *Public Register for Declaration of Assets, Income and Expenses of Persons Holding Senior State and Other Positions* at the President of the Bulgarian National Audit Office (BNAO).

¹¹ See Decision No. 13 of 26.07.2024 of the CC in case No. 1/2024.

¹² See Prof. Dr. Pencho Penev, *The Judiciary in Bulgaria - Perspectives of the Bulgarian Model*, NIJ 2023, p. 138.

Supplement in Art. 54 of the JSA, through para. 1 item 8 of 2016, gives the ISJC powers to *"carry out integrity testing and examinations for conflict of interest of judges, prosecutors and investigating magistrates, verifications of the financial interests disclosure declarations, as well as checks for identifying actions damaging the prestige of the Judiciary and such related to impairment of the independence of judges, prosecutors and investigating magistrates"*. The 2016 amendments to the Judiciary System Act logically build on the change in the status of the Inspectorate, which arose from the 2015 amendment to the CRB, whereby the legislator effectively entrusted the adoption, processing and control of the mandatory annual magistrates' asset declarations to the ISJC.

This power of the Inspectorate is further developed in Chapter Nine, Section Ia of the Judiciary System Act on the *"Verification of Financial Interests Disclosure Declarations of Judges, Prosecutors and Investigating Magistrates"*, which has been in force since 1 January 2017. Thus, the verification and control of the integrity of magistrates has been fully transferred from the BNAO to the ISJC. The explanatory memorandum to the draft law stresses that the assignment of new powers to the ISJC, including the acceptance and verification of the declarations of assets and interests of magistrates, is aimed at securing the status of the ISJC as *"an independent, authoritative and effective body of the judiciary with clearly delineated control powers over the activities, assets and integrity of judges, prosecutors and investigators"*. In practice, this legislative decision for the first time places the verification and control of magistrates' asset declarations entirely within the competence of a body that is part of the judiciary itself.

The transition from one competent authority to another with regard to the verification of magistrates' declarations is not as smooth as one would expect. The reason lies in an imperfection in the legislator's legal technique, leading to temporary institutional chaos. A prominent example is the fine of BGN 1,000 imposed in 2017 by the President of BNAO on the then President of the Supreme Court of Cassation - Lozan Panov. The reason is that according to the already cited amendments to the Judiciary System Act, in the year in question the magistrates should now submit their annual property declarations to the ISJC. Therefore, the Presidents of the SCC, the SAC and the Prosecutor General have been removed from the list of persons who should submit declarations to the BNAO by repealing Art. 2 Para. 1, item 5 and of the PDFIOHHSOPA. However, item 15 of the same Article of the PDFIOHHSOP Act, which requires members of the SJC to submit their declarations to the BNAO, has not been amended. The so-called 'big three' in the judiciary - the two Presidents of the Supreme Courts and the Prosecutor General - are members of the SJC by right, which, according to the interpretation of the National Audit Office Act, obliges them to declare their property situation simultaneously to both control bodies (the BNAO and the ISJC). The legal chaos was further compounded the following year when the PDFIOHHSOP Act was completely repealed with the adoption of the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Act (CCUAAFA) in January 2018, which transferred the entire department of the BNAO that verifies the property declarations of persons holding senior state or other positions to the new Anti-Corruption Commission (CCUAAFA). Thus, in practice, Lozan Panov, who was fined because of a regulatory oversight, appealed the fine imposed on him by the BNAO to a third body, which did not even exist at the time of its imposition.¹³

¹³ Free Europe, "Lozan Panov fined for failure to submit a declaration to the Audit Chamber" , 15.03.2019

<https://www.svobodnaevropa.bg/a/29823568.html>

Lex.bg, "Lozan Panov fined 1,000 leva for failure to submit a declaration to the Audit Chamber", 15.03.2019

First of all, the changes in the declaration introduced by the 2016 amendment to the the JSA affect the scope of persons who are obliged to declare and verify the assets of magistrates. Thus, after 2017, magistrates become obliged to declare the ownership and permanent use not only of their property and income as well as that of their spouses, but also of the persons with whom they are in a de facto conjugal relationship. The legislator has updated the legal framework by including another category of persons whose property must be declared, thus creating a guarantee that magistrates will not be able to circumvent the law by choosing de facto cohabitation over marriage (Article 175b, para. 1, item 8 and 175b para. 4) of the JSA. However, in para. 7 of the same article, the legislator leaves a loophole open to the magistrates by allowing "*Judges, prosecutors and investigating magistrate may declare that they do not wish the information regarding the de facto cohabitant therewith and regarding the financial interests and income of the said person to be published*", thus giving primacy to the principle of privacy over the principle of publicity.

Another important difference in the models of declaring the property of magistrates to the ISJC under the JSA and the previous regime (to the BNAO under the repealed PDFIOHHSOPA) is related to the subject of the declaration. The circumstances to be declared are much more detailed in the JSA. According to it, the declarations are in two parts - one on assets and the other on interests. Under the abolished procedure for declarations under the PDFIOHHSOPA, magistrates submit separately a declaration of assets to the BNAO and one of private interests, the verification of which is the responsibility of the now defunct Commission for the Prevention and Identification of Conflict of Interest (CPICI). In practice, the JSA merges and expands the circumstances subject to declaration into one.

A new circumstance, which is subject to declaration under the JSA and which has no analogue in the previous regulation, is the obligation in Art. 175b, para. 1, item 8 - "*any immovable property of another and any land motor vehicles, watercraft and aircraft of another, of a value exceeding BGN 10,000, which the person or the spouse thereof or the de facto cohabitant therewith uses continuously regardless of the grounds for this and the conditions for use; use of property of the institution where the person holds the office shall not be declared*". Examples are rent and lease. With the subsequent amendments to the Judiciary System Act of 2020, the addition has been made that the use of property of the institution in which the person holds a magistrate's office shall not be declared.

Another difference is the raising of the minimum threshold for declaring monetary amounts (receivables and payables), which has been raised from BGN 5 000 to BGN 10 000. In 2020, the obligation to declare income outside the position held will undergo a similar change, providing that it is subject to declaration when its amount for the previous calendar year exceeds BGN 5,000. With the amendment of the Judiciary System Act of 2020 in the regime of verification of property declarations of magistrates are added the rule of the new para. 3 of Article 175c. Through this provision, the legislator limits the situations in which magistrates are obliged to submit a declaration of the origin of funds in case of early repayment of debts or credit under Art. 175, para. 1, item 2. "*The declaration of the origin of the funds referred to in*

<https://news.lex.bg/%D0%BB%D0%BE%D0%B7%D0%B0%D0%BD-%D0%BF%D0%B0%D0%BD%D0%BE%D0%B2-%D0%BE%D0%BA%D0%BE%D0%BD%D1%87%D0%B0%D1%82%D0%B5%D0%BB%D0%BD%D0%BE-%D0%B5-%D0%B3%D0%BB%D0%BE%D0%B1%D0%B5%D0%BD-%D1%81-1000-%D0%BB%D0%B5/>

Art. 175a, para. 1, item 2 shall be submitted in case of full early repayment of debt and credit, and in case of partial early repayment - if the amount of funds exceeds BGN 10 000."

The Judiciary System Act in its 2016 wording provides for the possibility for the examining authority to request, under certain conditions, the disclosure of banking and insurance secrecy, as well as of tax and social security information, when examining the declarations of magistrates (Article 175e, para. 6 and para. 7). In its original form, Article 175e, para. 6 regulates only the legal possibility of the IJB *"to request disclosure of bank secrecy"*. In 2018, the exercise of this power of the ISJC was specified by sentence 2 of the provision, stating that *"the Inspector General and the inspectors of the Inspectorate of the Supreme Judicial Council may request disclosure of bank secrecy from the district court in whose district the person's permanent address is located, except in cases where consent has been given under Article 62, para.5, item 1 of the Credit Institutions Act"*. This amendment, in addition to providing a statutory answer to the question of exactly who is competent to request and who is competent to authorise disclosure of bank secrecy, also provides for a situation in which court proceedings may be avoided if there is express consent from the examining magistrate. In 2020, the legislator also fixed the form of this consent - it should be given to the ISJC in writing in a form approved by the Inspector General, specifying that a simple written form without signature certification is sufficient, which is an unusual normative technique. This is an interesting evolution of a procedural power of the ISJC, with clear practical objectives, which leads to the fact that, at present, prior consent to disclosure of bank secrecy by magistrates is a continuing trend rather than the exception.

Another important difference in the conditionally named new declaration regime compared to the old one is that the Judiciary System Act abolishes the possibility provided for in Article 4(4) of the abolished PDFIOHHSOPA for magistrates, in the absence of a change in the circumstances subject to declaration, not to submit an annual declaration, but instead - a notification to the President of the BNAO. There is no similar provision in the current legislation. Article 175f, para. 2 of the Judiciary System Act states that in the event of failure to submit an annual declaration, the verification will be carried out on the basis of the last submitted declaration. It can also be inferred from Article 175b, para. 2, item 2 that there is no situation where there is no change in the circumstances to be declared. The latter provision enshrines the obligation to indicate in the annual declarations a change in the declarant's assets which occurred during the preceding year, and expressly provides that *"under Items 3 - 6 the available assets shall be indicated, respectively - the remaining amount of the liability as at December 31 of the previous calendar year"*. Objectively, the likelihood that there will be no change in the amount of deposits, claims and liabilities and the balance of the debtor's bank account is low.

It should also be mentioned the changes that have occurred in the rules for verification of declarations, focusing on the addition of Art. 175g, para. 1 and the amendment of Art. 175h para. 1. The original wording of Article 175g, which has been in force since 01.01.2017 reads: *"The check shall be concluded by a report on correspondence, where no difference has been established between the facts declared and the information obtained up to BGN 10,000. In the rest of the cases, the check shall be concluded by a report on lack of correspondence."* In 2020, the text of the provision adds *"up to 10 000 BGN"*, which sets a minimum threshold in the difference between the declared assets and the findings during the verification for it to end with a non-compliance report. By the same amendment to the Judiciary

System Act, the minimum threshold for carrying out an additional verification has been raised from BGN 5 000 to BGN 10 000.

The procedures for verifying the property declarations of the magistrates, on the one hand, and for verifying the integrity and conflict of interests and for establishing actions that undermine the prestige of the judiciary, as well as for carrying out checks related to the violation of the independence of magistrates by teams of the ISJC, on the other hand, are normatively enshrined in Sections Ia and Ib of Chapter Nine of the Judiciary System Act, and are specified in two normative acts adopted by the ISJC, containing internal rules.

Although the legislator has placed them systematically in one chapter: the "Judges, Prosecutors And Investigating Magistrates: Status", there are differences in the specification of the two proceedings within the internal rules, including in the degree of specification itself.

The Internal Rules for the Verification of the Property Declarations of the Magistrates of the ISJC were adopted on 29.07.2020, as they almost verbatim reiterate the regulation contained in the Judiciary System Act. Only the competent authorities to which the ISJC is obliged to refer the report of discrepancy when the difference between the declared and the actual assets exceeds BGN 20 000 are specified - the CCCUAAFA, the NRA, the competent prosecutor's office and, respectively, when after the completion of the additional verification the discrepancy of more than BGN 10 000 is not corrected - the NRA and the competent prosecutor's office. At the same time, the Internal Rules for conducting integrity and conflict of interest checks and for establishing actions that undermine the prestige of the judiciary and checks related to violations of the independence of judges, prosecutors and investigators further develop the rules of procedure laid down in Section Ib of Chapter Nine of the Judiciary System Act. The manifestation of the violations under Article 175j of the JSA is specified, as well as the two phases of the examination of the signals serving as grounds for the verification - preliminary examination and verification under Article 175l – 175n of the Judiciary System Act.

The internal rules applicable to the two proceedings also lay down the principles to be observed when carrying out the relevant checks. While the principles of lawfulness, objectivity, effectiveness and proportionality of the interference in the private and family life of the persons subject to inspection are proclaimed in the two acts of the ISJC, it is noticeable that the principle of publicity is considered to be fundamental only when carrying out inspections of property declarations, while the principle of impartiality is part of the principles enshrined in Article 2 of the Internal Rules for the conduct of integrity and conflict of interest checks and for the detection of acts detrimental to the prestige of the judiciary and checks relating to breaches of the independence of judges, prosecutors and investigators. **This discrepancy is reflected in the obligation of the ISJC to maintain and publish on its website electronic public registers and lists which are compiled with a view to its activity of verifying asset declarations.** For example, the register of criminal rulings against magistrates for offences under Articles 408a-408d of the Judiciary System Act is publicly available. On the other hand, neither in the Judiciary System Act nor in the relevant internal rules is there any obligation for the Inspectorate to keep and maintain any register with a view to the activities of its teams carrying out integrity and independence checks on magistrates. A reasoned report shall be drawn up on the results of these checks, containing an opinion on the absence or existence of sufficient evidence of a conflict of interest, respectively of a breach of the principles of

integrity and independence or of damage to the prestige of the judiciary. This report shall be discussed at a meeting of the Inspectorate, which shall issue a decision either terminating the investigation due to the absence of sufficient evidence of a violation or proposing to the relevant college of the SJC to impose a disciplinary sanction where sufficient evidence of a violation under Article 175j of the Judiciary System Act has been established. It is stipulated that in case of evidence of a conflict of interest, in addition to the proposal to impose a disciplinary sanction, the SJCE shall also make a proposal for initiation of proceedings to establish a conflict of interest by the relevant collegium of the SJC. It is interesting to note that the website of the SJC does not publish the internal rules for the conduct of the relevant proceedings for establishing a conflict of interest, only the internal rules for the disciplinary activity of the two colleges are publicly available.

Neither the SJC has a statutory obligation to maintain and publish an electronic register or a list of persons disciplined for violation of Article 175j of the Judiciary System Act, nor the ISJC has an obligation to maintain a register of proposals for imposing disciplinary sanctions on magistrates due to evidence of conflict of interest, violation of the principles of integrity and independence, or undermining the prestige of the judiciary. At the same time, the offences laid down in Article 175j are more serious than the failure to submit the relevant type of declaration of assets by the deadline, which is why the application of the principle of publicity should be extended to the checks under Section Ib of the Judiciary System Act.

However, a lack of full guarantee of the principle of publicity can also be noted in the regime of submission and verification of the property declarations of magistrates. Here, one of the main differences between the regime of publicity of the property of magistrates under the PDFIOHHSOPA and the JSA should be noted. In Article 7, para. 8 of the repealed PDFIOHHSOPA lays down an obligation for the competent inspection body - at that time the BNAO - to publish on its website the results of the NRA's inspection. As before 2017, the NRA is currently the competent authority for verifying a person's assets following the referral of a report of a discrepancy in declared assets. However, neither in the Judiciary System Act nor in the Internal Rules on the Verification of Property Declarations can be found an analogous obligation to that established in Article 7, para. 8 of the repealed regulation. The lack of publicity of these ex-post verifications can also be judged by reading the annual reports of the ISJC, which contain no information on the results of the verifications carried out by the competent authorities concerned.

The principle of impartiality, on the other hand, is reflected in the application of the institute of recusal, which is regulated in Article 4 of the Internal Rules for conducting checks for integrity and conflict of interests and for establishing actions that undermine the prestige of the judiciary, and checks related to the violation of the independence of judges, prosecutors and investigators by the teams of the ISJC.

One of the grounds for carrying out the inspections under Section Ib of Chapter Nine of the Judiciary System Act is a signal meeting the conditions under Article 175k of the Judiciary System Act. Such a report may be submitted by any person who has evidence of a violation under Article 175j of the Judiciary System Act, and it has been established that checks on anonymous reports are not carried out. Notwithstanding this prohibition, a publication in the mass media is also considered a report if it contains the full name of the person against whom the report is made, the position held by him, specific data on

the alleged violation and a reference to documents or other sources which contain information supporting the allegations made in the report Article 174k, para. 2.

On the basis of the legislation, magistrates are currently obliged to submit declarations in the following cases:

- Upon appointment - within one month of acquiring the status of a magistrate (175c, para. 1, item 1 of the JSA) - the so-called inaugural declaration;
- Annually - submitted by 15 May of each year (175c, para. 1, item 2 of the JSA) - the so-called annual declaration;
- After losing the status of a magistrate - to be submitted within one month = so-called final declaration.
- Within one month after the expiration of one year from leaving the system (175c, para. 1, items 3 and 4 of the JSA) - the so-called final declaration;
- For rectification of incompleteness and errors in the declared circumstances - shall be submitted within 1 month after the submission of the declaration of property and interests (Article 175c, para. 5 of the JSA).
- declaration under 175a, para. 1, item 1 – upon change in the declared circumstances in the annual declaration, in the part about the interests under art. 175b, para. 1, items 11-13 of the JSA. That is, they are submitted in the following cases:
 - participation in commercial companies, in the management or control bodies of commercial companies, non-profit-making legal persons or cooperatives, and carrying on business as a sole trader at the date of election or appointment and 12 months before the date of election or appointment;
 - contracts with persons who carry out activities in areas related to decisions taken by the person within the scope of his/her powers or duties;
 - details of related persons in whose activities the judge, prosecutor or investigator has a private interest.
- declaration of the origin of the funds in case of early repayment of debts and loans - within 1 month from the date of repayment (Article 175a, para. 1, item 2) of the Judiciary System Act
- declaration following findings of non-compliance following an inspection (Article 175g) - so-called corrective declaration;
- **In the case of consent to disclosure of bank secrecy - it is not mandatory, but it is an established practice;**

The opinion of prof. P. Penev is that the change in the regime of declaration of the property status of magistrates and the transfer of the control for transparency and integrity to the ISJC as a whole pursues two objectives. Firstly, *"to create intolerance to violations that call into question the moral integrity of the magistrate"* (by stimulating self-control and, consequently, punishment, if any, for the misbehaving magistrates); and secondly, to create a prerequisite for the Inspectorate, through the ongoing integrity

checks, to protect magistrates from malicious attacks and accusations.¹⁴ But do we see these objectives being achieved in practice? Prof. Penev accepts that *"given the impressive amount of work involved in establishing adequate internal regulations and an adapted organisational structure, it can be said that the Inspectorate has so far only made a start in the implementation of this highly responsible function"*.¹⁵

However, such a view seems overly optimistic at this stage. The analysis of the overall work of the ISJC over the last 10 years shows: 1. a highly formalised approach of the inspectors to their duties regarding the integrity of magistrates; 2. Lack of any publicly visible results in preventing or exposing corrupt practices.¹⁶

V. Analysis of the 2017-2023 reports of the ISJC

Since the entry into force of the regulation on the verification of the property declarations of magistrates in the Judiciary System Act in 2017, the annual reports of the Inspectorate include a synthesized analysis of this activity of the Inspectorate for the respective reporting year. For the period 2017 - 2023, the average number of declarations filed varies around 4 400 for each reporting year, with more than 90% of these being annual declarations and the number of opening, final and closing declarations accounting for between 2-3% of the total respectively.

Table 1: Declarations submitted by year (by type)

CRITERIA	2023	2022	2021	2020	2019	2018	2017
Total number of declarations submitted	4442	4393	4393	4414	4411	4415	4288
Annual declarations	4160	4132	4125	4147	4161	4168	-
Opening Declarations	136	114	114	87	90	97	-
Final declarations	67	81	54	102	86	72	-
Final declarations	79	66	100	78	74	78	-
Declarations of change in declared circumstances	252	312	343	313	402	351	-

Pursuant to Article 175b, para. 4 of the JSA, magistrates also declare the property and income of their spouses or persons with whom they are in de facto conjugal relations and of their children under the age of majority, which is why about 10 000 persons are audited annually.

¹⁴ See P. P. Penev - the quoted essay, pp. 141-142

¹⁵ See P. P. Penev - the quoted essay, p. 142

¹⁶ We are left with rather the opposite impression and this is most evident in the case with the undeleted personal data from the declaration of Judge Miroslava Todorova - both hers and that of her partner and their minor son. The lack of a sufficiently adequate and reasoned explanation by the ISJC at the time further created a feeling of tendentious attitude towards a magistrate who is known for her critical stance towards the problems in the system. Through this 'failure', as described by the ISJC, the institution has seriously distanced itself from the protective function it is supposed to perform.

Table 2. Number of persons screened by year

CRITERIA	2023	2022	2021	2020	2019	2018	2017
Number of persons whose property has been verified	10076	10034	9935	9824	10375	10195	10487

When analysing the data on the declarations in which a discrepancy was found between the facts declared and the information obtained after the basic verification, regulated in Art. 175e - 175g of the Judiciary System Act, two time periods should be distinguished - before and after the amendment of the Law on the Internal Affairs in 2020. The original wording of Article 175g, in force since 01.01.2017, reads as follows: „*The check shall be concluded by a report on correspondence, where no difference has been established between the facts declared and the information obtained up to BGN 10,000. In the rest of the cases, the check shall be concluded by a report on lack of correspondence.*” The legislator introduces a minimum threshold of the difference between what is declared and what is found during the inspection, which must be passed for there to be a discrepancy. This is reflected in the number of declarations in which a discrepancy is found. In the period 2017-2019 it amounts to 715 on average, while for the period 2020-2023 the number of declarations found to be non-compliant varies between 300 and 400. It is interesting to note that, despite the change in the regulation and the number of non-compliant declarations, in both periods under review, the deficiencies and errors were corrected in over 90 per cent of cases by means of corrective declarations within the time limit set out in Article 175g, para. 2.

Table 3: Number of declarations with discrepancies by year and their fate

CRITERIA	2023	2022	2021	2020	2019	2018	2017
Declarations in which non-compliance has been identified	355	325	393	396	630	845	668
Corrective declarations	354 ¹	325	393	393	628	844	666
Additional check	0	0	0	2 ²	2 ⁴	1	1 ⁶
Non-compliance reports sent under the responsibility of	0	0	0	1 ³	0	1 ⁵	1 ⁷

1. The difference between the number of corrective declarations and the declarations in which non-compliance was found is due to the lack of information in the annual report of the ISJC for 2023.

2. The non-conformities have been corrected during the 2020 additional controls

3. Forwarded to CCUAAFA and NRA on the basis of Art. 175g, para. 4 of the Judiciary System Act.

4. The additional audits had not been completed at the time of the drafting of the annual report of the ISJC

5. Forwarded on the basis of Article 175h, para. 4 of the Law of the NRA

6. The non-compliance has been corrected during additional checks

7. Forwarded on the basis of Article 175g, para. 4 of the NRA

From 2017 to 2023, there have been only two reports of non-compliance in excess of €20,000 that have been sent to the competent authorities for verification of the person's financial situation - and the annual reports of the ISJC **do not contain** information on the results of these checks.

With the amendment of the Judiciary System Act from 2020 the minimum threshold for carrying out an additional check has been raised from BGN 5,000 to BGN 10,000, and the additional check shall be concluded with a reasoned report on non-compliance, which shall be forwarded to the competent authorities for taking the appropriate actions when the material value of the difference between the declared data and the received information exceeds BGN 10,000. In the period 2017-2020, the annual reports of the ISJC indicate that between 1-2 additional checks were carried out, while from 2021 to 2023 no additional checks were carried out. The amendment of Art. 175h para.3 of the Judiciary System Act is reflected on the implementation of Art. 408b of the Judiciary System Act - theoretically speaking, the increase of the minimum threshold for the existence of non-compliance after an additional check would lead to a lower number of administrative criminal proceedings (ACP) initiated on the grounds of non-compliance between what was declared and what was established, but in practice, according to the information in the annual reports of the ISJC, only in 2019 there was one ACP initiated on the grounds of Article 408b, and the criminal decree was appealed and there is no data that it has entered into force. With this one exception, the ACP are initiated on the grounds of failure to submit the property declarations in time, which is also consistent with the data from the lists of finalised criminal rulings and agreements published on the website of the ISJC.

Table 4: Number of ACPs by year

Criterion		2023	2022	2021	2020	2019	2018	2017
Concluded by agreements under Article 58d of the Administrative Violations and Sanctions Act (AVSA)		7	3	3	-	-	-	-
Concluded with criminal rulings	enacted	3	1	9	13	13	22	10
	appealed	3	0	5	5	5	20	12
Concluded with warnings under Article 28 of the Criminal Code		27	22	27	31	9	5	4
Concluded with a resolution to terminate the ACP		-	-	1	7	2	8	3
Total number of ACP instituted		40	26	43	56	30	55	29

In the reports, there is a trend towards an increase in the number of ACPs, which ended with a warning under Article 28 of AVSA - as the ISJC notes that *"the punishing authority, taking into account the consistent and consistent case law for the period 2018 - 2022, has held that the submission of the required property declarations with a delay of one to ten days after the expiration of the statutory deadline constitutes a minor case and, on the basis of Article 28 of the AVSA, has issued a written warning to the offender that in the event of another offence of the same type constituting a minor case within one year from the entry into force of the warning, an administrative penalty will be imposed for that other offence."*

In the annual reports of the ISJC there is no information on proposals sent to the relevant college of the SJC for initiating disciplinary proceedings for imposing disciplinary sanctions on a judge, prosecutor or investigator, which the ISJC has the power to do on the basis of Article 312 of the Judiciary System Act. Disciplinary offences are regulated in Art. 307, par. 3 of the Judiciary System Act are specified in the Internal Rules on Disciplinary Activities of the Judicial Collegium of the SJC and the Prosecutorial Collegium of the SJC, respectively. Taking into account that in almost 100% of the cases of non-compliance, it has been corrected by a corrective declaration, and that the ACP were initiated on the basis of failure to submit the declaration of assets and interests in time, and that in the lists of finalised criminal rulings and agreements there are only three cases where we have a repeated violation, the ISJC rather had no grounds to propose the initiation of disciplinary proceedings.

VI. List of enacted criminal rulings of the Inspector General of the ISJC under Article 175d, para. 1, item 2 of the Judiciary System Act (Agreements under Article 58d of the Administrative Violations and Sanctions Act)

Judges, prosecutors and investigators are obliged to submit two-part declarations of assets and interests to the ISJC, and in Article 175c of the Judiciary System Act, the legislator regulates the deadlines for submitting the declaration of assets and interests. In the same text 4 sub-forms of the declaration are regulated - introductory, annual, final, final. Pursuant to Article 408a of the Law on the Judiciary and Interests, the persons liable for the failure to submit the declaration of property and interests within the statutory deadline shall be held administratively responsible. The ISJC is the competent authority for imposing an administrative penalty - in this case a fine of BGN 300 to BGN 3000, in case of repetition of the offence the fine should be BGN 600 to BGN 6000.

Administrative liability shall be borne by judges, prosecutors and investigators in the event of an established discrepancy between the declared data and the information obtained after additional verification under Article 175h, the amount of which exceeds BGN 10 000. The fine to be imposed on the basis of Article 408b shall be from BGN 500 to BGN 5,000, where no heavier penalty is provided for, and from BGN 1,000 to BGN 10,000 in case of repetition.

The ISJC is obliged to maintain an electronic public register of the criminal rulings that have entered into force / Art. 175, para. 1, item 2/. Since the entry into force of the amendment to the Judiciary System Act on the verification of the financial declarations of judges, prosecutors and investigators in 2017, the information on the website of the ISJC on the entered into force criminal rulings and agreements on the basis of Article 58d of the AVSA is published in the form of lists containing data on the number and

date of the criminal ruling, as well as the date on which it entered into force, the name of the person punished and the amount of the penalty imposed.

Between 2017 and 10.05.2024, the total number of penalty notices that came into force was 73, 63 of which were in the amount of BGN 300 and 10 in the amount of BGN 400, and the number of agreements concluded between the entry into force of Article 58d on 23.12.02021 and 10.05.2024 was 11 / in the amount of BGN 210 – 70% of the legal minimum of BGN 300 /.

Table 5: Penalty orders and settlements by year

Penal Decrees (Agreements)									
Criterion	as of May 2024	2023	2022	2021	2020	2019	2018	2017	for the whole period
Penal Decrees									
judges	1	3	1	5	4	4	5	3	26
junior judges	0	0	0	0	0	0	1	1	2
prosecutors	0	1	0	2	4	5	11	3	26
junior prosecutors	0	0	0	0	0	1	0	0	1
investigators	0	0	0	2	2	3	5	2	14
junior investigators	0	0	1	2	0	0	0	0	3
Total number	1	4	2	11	10	14	22	9	73
Amount of the penalty imposed									
in the amount of 300 BGN	1	2	2	9	10	12	20	8	64
in the amount of BGN 400	0	2	0	2	0	2	2	1	9
Agreements under Article 58d of the AVSA									
with judges	0	4	0	The institution of the agreement under Article 58d of the AVSA has not yet been introduced					4
with junior judges	0	1	0						1
with prosecutors	0	1	3						4
with junior prosecutors	0	0	0						0
with investigators	1	0	0						1
with junior investigators	0	1	0						1
Total number	1	7	3						11

Since the entry into force of Article 79b of the AVSA on 23.12.2024, there has been a trend towards payment of fines within 14 days of the service of the criminal decrees, whereby the punished persons take the opportunity to pay 80 percent of its amount. In 2023, 7 agreements were also concluded, almost double the number of criminal decrees that entered into force, which is an indicator of the effectiveness of the institution of the agreement.

Recurrent cases:

- N. H. B. - has a final penalty order in 2024 for failure to file a timely final return and in 2021 for failure to file a timely annual return;
- L. M. P. - In 2021, he had an enforceable penalty order for failure to timely file a final return, and in 2018, for failure to timely file an annual return;
- M. O. L. - In 2023, he had two penalty notices in force, one for failure to file a final return on time and one for failure to file a final return on time.

In view of the type of offence serving as grounds for initiation of administrative proceedings and issuing of a penal decree / conclusion of an agreement, it appears that all hypotheses fall within the provision of Article 408a of the Judiciary System Act - i.e. for failure to submit the 4 sub-declarations within the respective deadlines under Article 175c, para. 1 of the JSA. None of the penal decrees enacted is based on Article 408b of the JSA, i.e. no persons have been punished due to discrepancies between the declared circumstances and the information obtained during the additional verification under Article 175h of the JSA.

IX. Conclusions and recommendations

It is difficult to give unequivocal recommendations to improve the performance of a body in permanent crisis. And this is mainly due to its over-empowerment through a series of constitutional and legislative amendments. The Inspectorate itself has also used every legislative window to seek additional powers - most notably through its desire to have a fully autonomous budget. The stated aim of the changes was to provide the Bulgarian public with a body sufficiently emancipated from the other authorities to carry out quality control and analytical work on the work of magistrates, as well as to control and protect /if necessary/ their integrity and conflict of interest. For the time being, unfortunately, the Inspectorate has failed to live up to the expectations of becoming a guarantor of transparency and cleanliness in the judiciary. The Inspectorate also fails to fulfil its most important indirect role, namely to become a guarantor of restoring the long-eroded public trust in the judiciary. What can be changed/improved?

1. It is necessary to reduce the political influence on the ISJC and there is no need for new constitutional changes. First of all, it is enough to amend Article 44 of the JSA. Currently, it

- only allows MPs to nominate candidates for inspector general and inspectors. Instead, magistrates' assemblies should be given the opportunity, following the principle of self-government, to nominate candidates. Suggestions to reduce this influence were made during the preparation of the draft law on amendments to the JSA earlier in the year. It is recommended that these be retained and even expanded when the Bill is re-opened for amendments;¹⁷
2. The constitutional solution of electing the Inspector General and Inspectors by qualified 2/3 majority should also be considered in perspective. What more than a decade ago seemed like a sensible solution to balance the political dependencies in the constitution of the Inspectorate is now proving to be a difficult hurdle to overcome and is becoming a "minority dictate";
 3. In terms of improving the work of the ISJC in checking integrity, independence, conflict of interest and damage to the prestige of the judiciary - the most important thing is to stimulate its proactivity. Formally, the ISJC carries out these activities according to the letter of the law. But it is not fulfilling the major role for which it was created. At present, no magistrates have been adequately sanctioned by the ISJC for being involved in corrupt practices. The declarations of magistrates should be looked at analytically, not mechanically, and to this end the Inspectorate itself should require increased inter-institutional cooperation and work with institutions from foreign partner jurisdictions. This activity should also be linked to the return of a good practice from the time when the competent authority for the processing of magistrates' declarations was the BNAO, namely the establishment of a public register of the checks carried out by other competent authorities on magistrates, or at the very least the indication of the results of these checks in the annual reports of the ISJC;
 4. In the context of the above recommendation at the legislative level could consider the establishment of a public register of cases of conflict of interest in relation to the powers of inspection of magistrates by the Inspectorate under Article 175j of the Judiciary System Act.
 5. Finally, two technical recommendations regarding the declarations - as it often happens that magistrates file a corrective declaration, it would be better to provide for this as a separate requisite in the declaration itself. In the absence of such a provision, magistrates, when submitting corrections, are again marking that they are submitting an annual return and this can lead to confusion.
 6. In order to make it easier to search, process and analyse the submitted declarations, they should be published on the website of the ISJC in a machine-readable format.

¹⁷ At the time of finalizing the analysis /26.11.2024/ there is a working group in the Ministry of Justice working on the draft of the Law on the Law on the Judiciary, but according to public information the draft is expected to be made public by the end of the year.