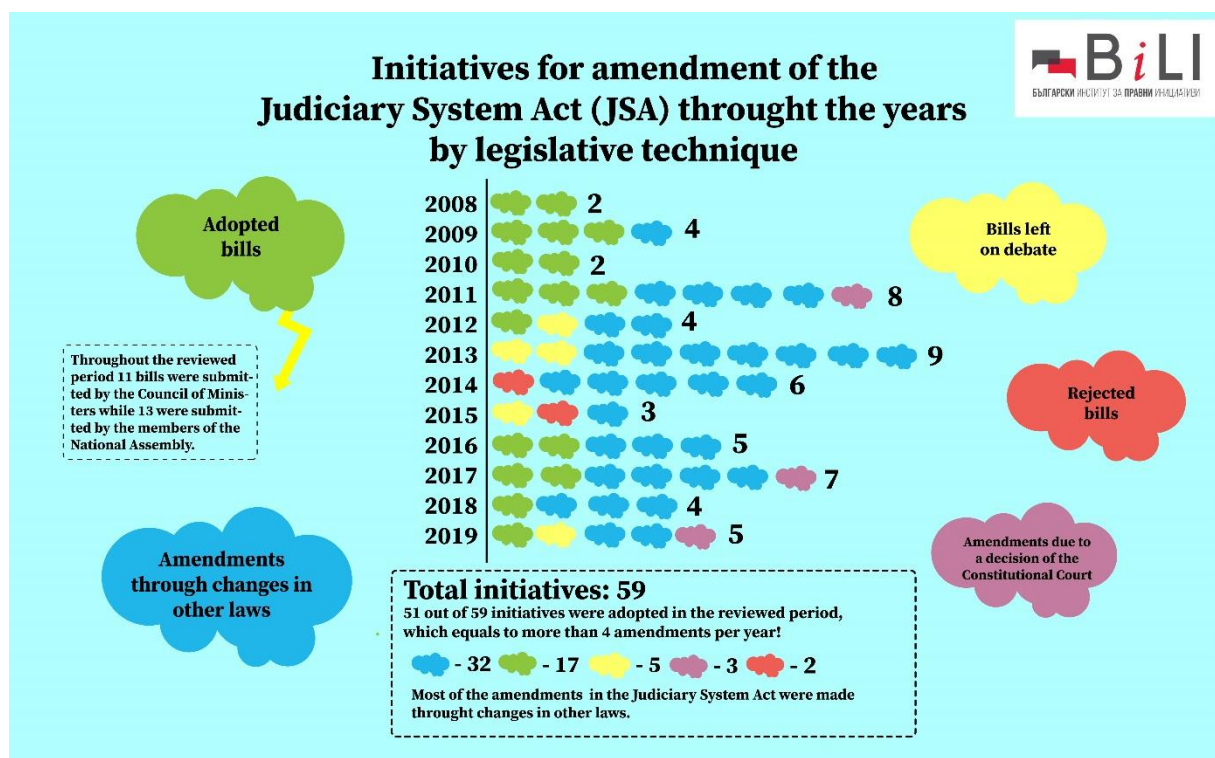


How is the Judicial System Act changing through the years?

Today (May 8) the Bulgarian parliament adopted at first reading changes in the Healthcare Act related to the pandemic situation. Unfortunately, this draft law is not an exception in a series of low quality pieces of legislation which number continues to grow in each parliament. The legislative process suffers from a lot of deficits and one adds to that the lack of knowledge on the legislative techniques, the outcome is weak and controversial laws. It has become a practice in the last couple of years to introduce important changes and amendments through transitional provisions as is the case now with the Healthcare Act.

Another example is the Judicial System Act. Since its adoption and enforcement in 2007, there have been 59 attempts for changes and amendments in it. Out of them 51 have turned into actual changes of the law, which makes approximately a little over 4 amendments per year! Most of the adopted amendments in the JSA were introduced through a change in another law – 32. Usually this method is used to harmonize the legislature, but the frequency it is applied with relation to the JSA presupposes that there might be other intentions behind it.

One tendency which seems particularly sustainable after 2011, is to amend the JSA through transitional provisions in other laws. It is a sign for bad quality of the legislation process in the National Assembly, as well as for a certain attitude coming from the legislators – to belittle the importance the judicial system and the reform in is undergoing.



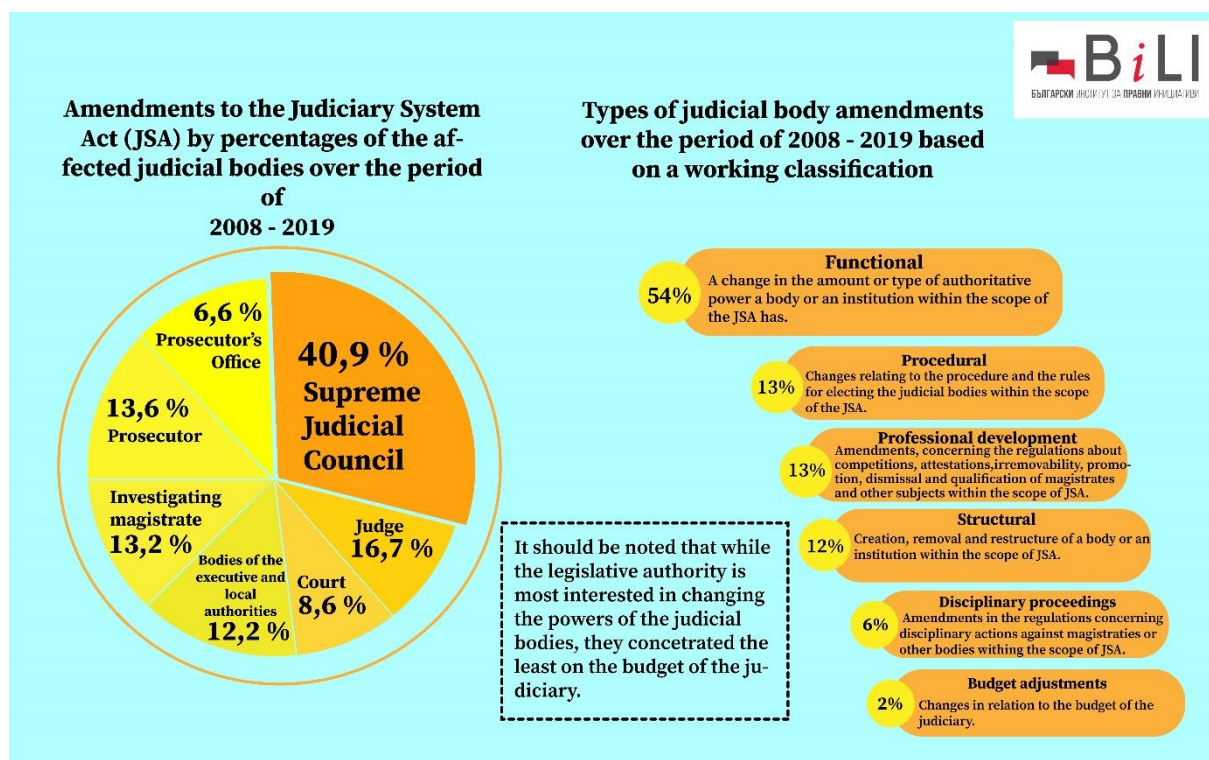
There is a relative parity with regard to the body which has initiated changes and amendments to the JSA. During the period which we have monitored the Council of Ministers has introduced altogether 11 draft laws for changes in the JSA and the members of the parliament – 13.

At BILI we made a quantitative content-analysis of the changes and amendments to the JSA through a codification and statistical processing of each JSA change. We used key words to extract most relevant data. Large set of data was processed. Data was categorized under indicators like: 1) type of change; 2) body which has introduced the specific change; 3) year the change was adopted and enforced.

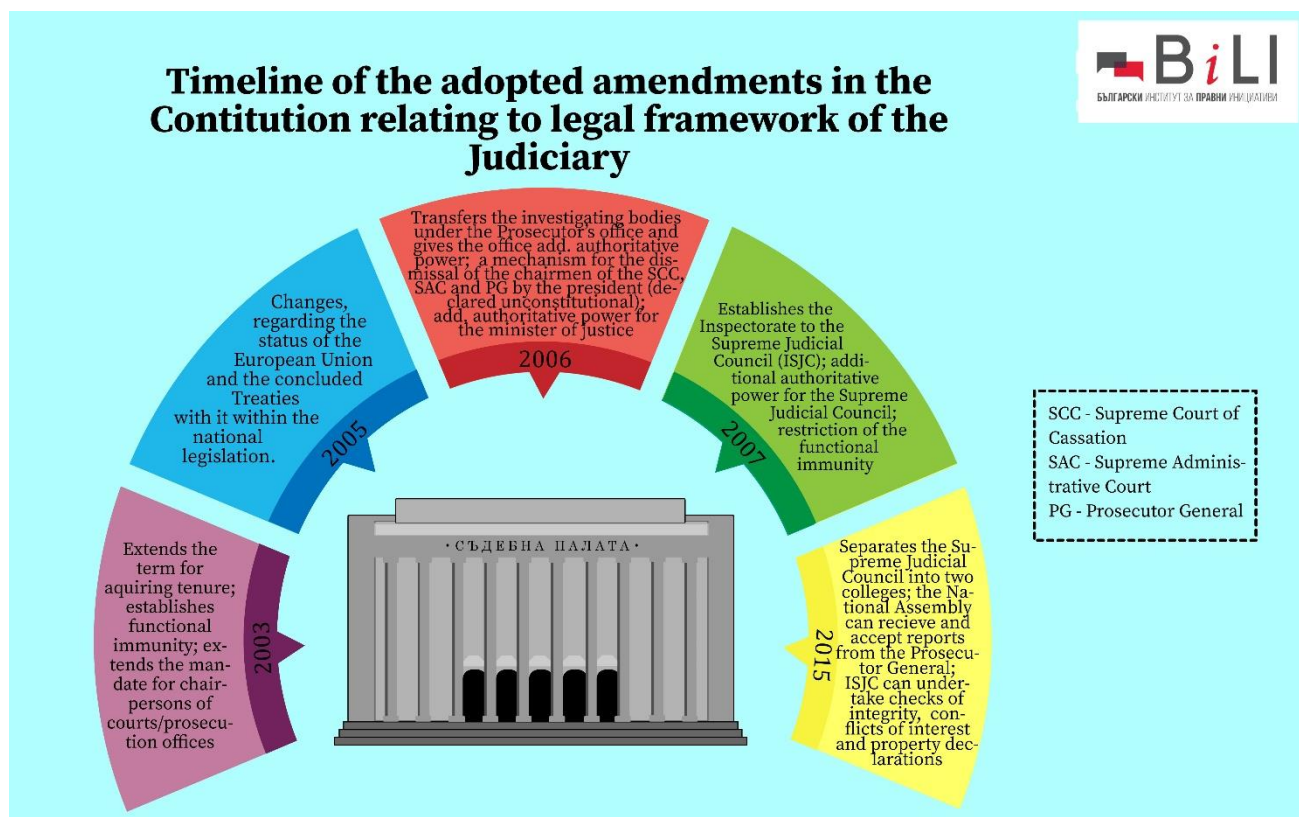
As it is visible from the graphic, most of the changes in the JSA were related to the Supreme Judicial Council. That fact has its natural logic. The Supreme Judicial Council is the supreme administrative body of the judiciary, it represents the system, upholds its independence, is responsible for the career development, performance evaluation and disciplining of magistrates. After the changes in the Constitution from December 2015, it is also responsible for the management and maintenance of the real estate properties of the judiciary. From the time the SJC was established as a permanently operating body, there is a tendency to gradually broaden its powers.

Despite the fact that the SJC is the most reformed organ of the judiciary, according to the data, the sequence of scandals, the continuous lack of social and political consensus about its structure and the controversial practice regarding various cadre decisions, are raising the question as to the effectiveness of the changes. However, this is not the subject of the current analysis.

Another important fact resulting from the data analysis is that the concentration of legislative changes over the years was predominantly related to the court and not so much to the prosecution and the investigation office. The accumulated data shows that changes and amendments related to the court are 31,4% and related to the prosecution are 20,2%. Data clearly shows the significant difference in the JSA changes introduced for the court and the prosecution office. In that context, it is not surprising that international institutions and partners of the country (European Commission, Venice Commission, ECHR and others) are criticizing the unfinished reform in the prosecution.



The last graphic shows the timeline of the changes in the Bulgarian Constitution related to the judicial system and the most important elements of these changes.



**All the data used in the infographics is extracted from the analysis "Overview, inventory and cataloging of legislative initiatives and changes related to the judicial reform in Bulgaria". The full version of the analysis is available in Bulgarian only [HERE](#). The analysis is a result from the implementation of the project „Tools based on data extracted from civic monitoring and control over the reform in the judicial system“, financed under OPGG (BG05SFOP001-3.003-0037-C01) with leading implementer "NGO Links" and BILI acting as a partner.*