



PROSECUTOR'S OFFICE OF THE REPUBLIC OF BULGARIA
APPELLATE SPECIALISED PROSECUTOR'S OFFICE

**TO
THE MINISTER OF JUSTICE**

OPINION

of Ivaylo Angelov, Administrative Head of the Appellate Specialized Prosecutor's Office

HONOURABLE MINISTER OF JUSTICE,

In my capacity of an Administrative Head of the Appellate Specialised Prosecutor's Office, I would like to bring to your attention an opinion on the proposed changes in the draft amendment and supplementation to the Judiciary Authority Act published in the Portal for Public Consultations.

I will highlight only some of the main issues, as the established 14-days term for public consultation period is insufficient for a thorough analysis of the proposed draft law. I will develop my arguments fully in the discussions of the Committee on Constitutional and Legal Affairs.

I. With regard to the proposed closure of the specialised justice bodies.

All over the world, there are institutions that have been created to deal with serious organised crime and corruption, especially in countries where conventional courts and prosecutors' offices find it difficult to tackle the problem. Apart from Bulgaria, in a number of European countries, along with military, administrative, commercial, tax, labour and other specialised courts, there are also specialised criminal courts and their respective prosecution offices¹.

These bodies were established in our country on the recommendation of the European Commission, which considered that progress should be made in the fight against organised crime and corruption. In 2006, the Commission established a Cooperation and Verification Mechanism for Bulgaria and Romania. For Bulgaria, the main areas of concern were the independence, professionalism and efficiency of the judicial authority authorities and the fight against corruption and organised crime.

The real activity of the specialised bodies started around the end of 2012 and the whole of 2013, because by then they had to be structured, the competitions for magistrates and officials had to be held, they had to be provided with financial and material resources and they had to start building best practices.

In a few years, they gained a solid international recognition.

The latest one came on 06.12.2021, when the Bulgarian Specialised Prosecutor's Office was elected as the head of the Secretariat of the Permanent Conference of Prosecutors working on organised crime cases². It includes the specialised prosecution offices of Italy, Hungary, Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Montenegro, the Republic of North Macedonia, Romania, Serbia and Slovenia, and soon Austria. The network was established to strengthen the fight against the transnational organised crime in South-East Europe and is funded by the USA, Italy, Germany and the United Kingdom.

The decision to award our Specialised Prosecutor's Office with this recognition was taken at the Seventh Meeting of the Network, organised with the support of the Organisation for Security and Cooperation in Europe (OSCE).

Alongside the international validation, all the European Commission's reports to the European Parliament and the Council concerning Bulgaria's progress under the Cooperation and Verification Mechanism between 2012 and 2018 stressed that "over the last ten years there has been a major change in the criminal environment, with organised crime showing a decline in the level of visible violence and posing less of a threat to the stability of the society as it had been in the past, and that for this reason the overall situation in Bulgaria is approaching that in some other Member States" and "the specialised institutions have started to achieve consistent results in terms of convictions brought to court and finalised in organised crime cases". The latest Cooperation and Verification Mechanism report in 2019 also acknowledges **the progress in the fight against organised crime and corruption**³.

The above is supported also by the Independent Analysis of the Structural and Functional Model of the PORB - 2016, carried out by the expert team of the Office for Structural Reforms Support⁴. And here it is underlined that "the teamwork on the cases in the Specialised Prosecutor's Office for the Fight against Organised Crime, and to some extent in the Specialised Unit for the Investigation of Corruption at Sofia City Court, is proving successful".

In the EC's 2020 Rule of Law Report⁵, the following conclusions have been made: "The legal framework to fight corruption is generally in place, but there are still challenges"; "Reforms are beginning to provide first results, but challenges remain"; "Solid results are yet to be achieved in terms of final convictions on high level corruption cases"; "Financial and human resources are a cause for concern". According to the Report, "Bulgaria's complex and formalistic system of criminal procedure law is an obstacle to the effective investigation and prosecution of high-level corruption."

In the subsequent 2021 Rule of Law Report of the EC⁶ the following finding has been made: "The financial and human resources of the Specialised Criminal Court have been increased", i.e. it can be considered that the 2020 recommendation has been implemented.

It should be noted that the activity of the specialised criminal justice bodies is related to countering the most serious forms of organised crime, which are related to terrorism, murder, domestic and international trafficking of drugs, weapons, human beings, human organs, economic crimes with significant damage to the state, etc., as well as interaction with the European Public Prosecutor's Office.

This activity extends not only within the country but also to the rest of Europe and the world. The organisations under investigation are made up of complex relationships, both vertically and horizontally, including with the involvement of Bulgarian and foreign criminal groups.

For this reason, the cases pending in the specialised courts and prosecutor's offices are immeasurably more complex, including in terms of their subject matter, judicial proceedings, resources, etc. In the vast majority of cases, charges are brought against groups of up to a dozen or more defendants, for complex criminal activity, and the cases involve dozens of defendants, lawyers, experts, with hundreds of witnesses and hundreds of volumes of evidence.

Therefore, the statistics quoted in the explanatory memorandum to the draft law, firstly, do not reflect the actual state of the specialised justice and, secondly, are not correct.

The data from the analysis in the Report on the activity of the specialised courts and prosecutor's offices, prepared in 2021 by the Ministry of Justice for the 10-year period of their existence, are incorrectly presented, as only data on the decided cases in 2020 have been provided. There is neither a comparative analysis of the activity over the entire period of their existence, nor a comparative analysis with the activity of the general courts. The data referred to in the analysis on the specialised courts and prosecution offices have not been taken into account in terms of the indicators of the number and type of cases heard and decided, as well as on the consideration of their extremely high factual and legal complexity⁷⁷.

On 09.02.2022, the Prosecution Division at the SJC adopted an analysis of the activities of the Specialized Prosecutor's Office, the Investigation Department of the Specialized Prosecutor's Office and the Appellate Specialized Prosecutor's Office for the period 01.01.2012 - 31.12.2020. The analysis is to be submitted to the Plenum of the SJC and will be sent to the National Assembly, the President, the Council of Ministers, the European Commission, the European Parliament, the Committee on Civil Liberties, Justice and Home Affairs, the European Commissioner for Values and Transparency and the European Commissioner for Justice and Home Affairs.

Findings in the 2018 Cooperation and Verification Mechanism Report are incorrectly highlighted with the criticism of: *“the lack of consistent results in Bulgaria in terms of convictions in high-level corruption cases”*, avoiding the finding in the follow-up report on the CVM in 2019, according to which the country is credited with a ***progress in the fight against organised crime and corruption***.

The critical assessments in the 2020 Rule of Law Report on the effectiveness of the specialised criminal courts, according to which “Solid results have yet to be achieved in terms of the final convictions in high-level corruption cases”, do not justify the closure of these bodies. They administer justice in a very formalistic criminal process, within a three-instance criminal procedure, where the Supreme Court of Cassation is the last instance.

In countries such as Italy, for example, the investigation and the judicial proceedings for this type of criminal activity are concluded significantly faster, due to the lack of the heavy and formalistic Criminal Procedure Code⁸ that is in force in our country.

Magistrates are the target of all the criticism about the slow justice but the main reason for this is precisely the formalism and the misuse of procedural rights by the accused and the defendants, and often by their defence lawyers.

This problem is highlighted in the 2020 Rule of Law Report, in which the European Commission states "*Bulgaria's complex and formalistic system of criminal procedure law is a major obstacle to the effective investigation and the criminal prosecution of corruption*".

That is why the main efforts to increase the efficiency of the criminal justice system should not be aimed at opening and closing judicial structures, not at replacing some magistrates with others, not at transferring cases from one court to another, but at serious actions to eliminate the unnecessary and redundant formalism in the Criminal Procedure Code. It leads to a chronic overloading of the pre-trial bodies and the court. It is not uncommon for one investigative body to investigate and the prosecutor to manage dozens of pre-trial proceedings simultaneously. Court chambers often hear 15-20 cases a day. These are facts that are known and familiar to most investigating police officers, investigators, prosecutors and judges.

On the substance of the proposed changes:

1. In my opinion, a law that closes a court would be unconstitutional.

According to the Bulgarian law in force, only two state bodies may establish courts - the National Assembly (Article 119, paragraph 2 of the Constitution of the Republic of Bulgaria ("CRB")) and the Plenum of the Supreme Judicial Council ("SJC") (Article 30, paragraph 2, item 7 of the Law on the Judicial Authorities).

However, only the Plenum of the SJC has the power to close a court (Art. 30, para. 2, item 7 of the Law on the Judicial Authorities). This is natural, since the Plenum of the SJC manages the judicial system and can objectively judge what the judicial map should be and whether or not it is necessary to have one or the other judicial bodies.

In this case one cannot apply the analogy that if the National Assembly can create specialised courts, it is logical that it can also close them, even if this right is not granted by the Constitution.

In public law, of which constitutional law is a part, there is a fundamental principle that "the competences of public authorities are expressly stated in the law and they are only allowed to do what is expressly provided for in the legal rules". Public law does not permit an expansive interpretation or an interpretation by analogy in cases of restrictions and limitations of rights. In this way, society is protected from arbitrary and unlawful actions both by state authorities towards citizens and legal entities, as well as in the relations between state authorities themselves.

In private law, the principle is exactly the opposite - everything is permitted except what is expressly prohibited.

A careful reading of the provision of Article 119, para. 2 of the CRC leads to the conclusion that the National Assembly can only establish specialized courts by law. Thus, the 28 administrative courts, the Specialised Criminal Court and the Specialised Criminal Court of Appeal were established by law. Specialized structures in the Prosecutor's Office of the Republic of Bulgaria -

the National Investigation Service, the Specialized Prosecutor's Office and the Specialized Prosecutor's Office of Appeal - have been established by law.

The text of Article 119, para. 2 of the CRC does not provide for the power of the National Assembly to close by law already established bodies of the judicial authority, and this is not accidental. Once established, these bodies become part of the structure of the judicial authority. Closing them by law, besides being a direct interference of the legislative authority in the judicial authority, will also undermine and unbalance the entire judicial system, and hence hinder, obstruct, delay and in some cases - obstruct justice.

The Constitutional legislature has therefore been insightful to protect the structure of the judicial authority from interference by the legislature in cases where there is a fragile and unstable parliamentary majority.

The only way for the Parliament to close the specialised courts it has created is to have a broad parliamentary consensus. It would allow a simple National Assembly with a qualified majority under the terms and conditions of Articles 153-157 of the CRC, to supplement the provision of Article 119, para. 2 of the CRC and to create the power of the National Assembly, by a simple majority, to close specialized courts established by law. Only then could be discussed the question of whether, how and which bodies of specialised justice could be closed by the legislature.

2. The draft law itself contains a number of weaknesses that should be addressed.

2.1. A serious analysis is needed both of the achievements and of the weaknesses to date, as well as an analysis of how the closing of the specialised bodies will enhance the fight against organised crime and corruption, especially in places where there are local links, dependencies, interests, etc.

2.2. The draft law should regulate the preservation of the achieved specialization of the magistrates related to the fight against organized crime. It was widely circulated that this specialisation would be maintained by closing the specialised bodies with jurisdiction over the whole territory of the country and by opening 5 or 6 local territorial units, departments, etc. with jurisdiction over appellate regions.

2.3. The reappointment of magistrates from the specialized structures is not well regulated - § 40 and § 41.

The two paragraphs provide for the reappointment of magistrates under the terms and conditions of Art. 1 of the Law on the Judicial Authorities, by the SJC opening the respective posts in another body of equal rank of the judicial authority, preferably in the same appellate district.

It should be emphasised that the appellate district of the Appellate Specialised Court covers the entire territory of the country. The possibility provided for the magistrates willing to be reappointed under Article 194, paragraph 1 of the Law on the Judicial Authorities is not inexhaustible. The criteria under which they will be reappointed are not clear. Those for whom the opportunity is exhausted will be reappointed to the remaining 28 district (5 appellate) courts, prosecutor's offices, *without requiring their consent. This approach is incompatible with the principles of irreplaceability and independence of the magistrates. Along with this, they will*

remain obliged to complete the examination of the cases that have been redistributed to the Sofia City Court and the Sofia Appellate Court. These cases will be either at the dispositional hearing stage or at the pending judicial investigation, or at the final stage of sentences rendered or appeals declared for decision, awaiting the provision of reasons thereto.

Alternatively, the envisaged legal possibility for reinstatement to a previously held position does not take into account that in the overwhelming number of cases the magistrates took their positions through a competition, having previously worked in other types of judicial authorities, in many cases at a lower level. Many of them are elected and appointed as judges after coming from other types of judicial authorities - prosecutor's offices/ investigation departments, from a lower level of the judicial authority, e.g. district level. Returning them "ex lege" to their original positions, even if only as a legal option, *would have the nature of a disciplinary downgrading*.

No account has been taken of the fact that 9 of the magistrates were appointed through the so called "external competitions" and objectively cannot be reinstated to their former positions⁹.

2.4. The status of the members of the Supreme Judicial Council ("SJC") and the inspectors of the Supreme Judicial Council Inspectorate ("SJCI") should be regulated, who, after the formation of the new Supreme Judicial Council and the SJCI, should be reinstated in the Judicial Bodies that have been closed¹⁰.

2.5. The paragraphs should be corrected: § 44, § 45, § 46 and § 47 of the of the Transitional and Final Provisions of the Law Amending and Supplementing the Law on the Judicial Authorities, as *the institute of secondment* is used with an incorrect legal meaning and content.

The secondment is a means of temporarily occupation of a post in the bodies of the judicial authority in cases of temporary or permanent vacancies and is not a legal means of completing cases. The method for the latter is different - assignment of their completion (Art. 227, para. 9 of the Law on the Judicial Authorities). In this case, there cannot be applied even a secondment under the terms of Article 227 para. 3 of the Law on the Judicial Authorities, because this text concerns the cases in which a court panel cannot be formed in a court at all.

Last but not least, jurors are also involved in the first instance cases and they will have to be assigned to the district courts and with a limited mandate to the Sofia City Court. They may not be obliged to continue their participation in a court to which they have not been appointed.

The above circumstance would lead to the cases starting from the beginning due to the violation of the principle of the unchangeability of the court panel.

2.6. The consequences of termination of the competitions are not well regulated in § 51.

The termination by law of competition procedures announced by the SJC will be grounds for the participants to bring claims against the National Assembly for damages.

Furthermore, the status of the participants in the completed competitions who have not taken up their duties for one reason or another is not regulated. The regulation of §40, §41 cannot be applied to them¹¹.

II. With regard to the abolition of the so-called "career bonuses" in the draft law.

There are several mechanisms for occupying a magistrate's position in the Law on the Judicial Authorities:

- ✓ Conducting a competition;
- ✓ Closure of a judicial authority or reduction in the number of posts;
- ✓ Exchange of posts in another Body of Judicial Authority with the consent of the administrative heads;
- ✓ Reinstatement to office upon termination of secondment to international organisations;
- ✓ Reinstatement to office upon termination of the activities of the members of the Inspectorate of the Ministry of Justice;
- ✓ Reinstatement to office of magistrates temporarily engaged in other important public functions - this is the so-called "career bonus".

It should be borne in mind that the right of the magistrates, engaged in other public functions within and outside the judicial authority, to be restored to a post of equal grade at the level (regional, district, appellate, supreme) to which they have attained through competition, is not a bonus.

The draft law proposes to abolish this right only for magistrates who remain in the judicial authority in order to exercise its management and internal control (members of the SJC, SJCI, administrative heads and their deputies).

The existing mechanism makes sense, especially for the members of the SJC, the SJCI and the administrative heads, due to the nature of their activities related to taking unpopular management decisions, the initiation and conducting of disciplinary proceedings against magistrates and other activities arising from the statutory powers of the respective position.

The impossibility for the above-mentioned magistrates to be reassigned to a position of equal rank in another body of judicial authority after the end of their mandate, could lead to demotivation for the performance of their main functions - managerial and disciplinary, which in turn would inevitably create conditions for the deterioration of the management of the judicial authority.

This right is reserved for magistrates who leave the judicial authority to become MPs, ministers and deputy ministers, mayors and municipal councillors, chairpersons and deputy chairpersons of the SANS, members of the National Bureau of Special Intelligence Control, judges of the Constitutional Court and European prosecutors¹².

There is no reasoning in the draft as to why this unequal treatment is being created, with magistrates who remain in the judicial authority being deprived of the right to be restored to a position of equal rank, while those who leave the judicial authority and go to the legislature or the executive authority or other institutions are to retain it?

I should note here that the existing mechanism is also being discussed for the figure of the future prosecutor who will investigate the chief prosecutor - in order to create a guarantee that after an effective investigation the latter will be able to continue his career as a judge in the Supreme Court of Cassation. This will support his objectivity without him worrying about his future career development.

III. With regard to the draft law in its part on the amendments to the CPC - §53:

1. In terms of item 1 of §53, it is intended that the district courts/ prosecutors' offices and the Sofia City Court/ Sofia City Prosecutor's Office will become competent to hear the cases of the Specialised Criminal Court.

The transfer of the cases for the various forms of criminal association under Article 321 and Article 321a of the Criminal Code to the district courts/ prosecutor's offices means that they will be handled by judges, prosecutors and investigators without experience and practice in this matter, requiring specific qualifications, respectively the results achieved will not be in the interest of justice and society.

Referral by jurisdiction of pending criminal cases to the district courts and prosecutor's offices will lead to a problem with the expiry of time limits, including statutes of limitations.

It is envisaged that the changes in the law will enter into force two months after its promulgation and only then will the distribution, scheduling and hearing of the cases be organised, which will understandably mean the expiry of new procedural deadlines.

Thousands of volumes will have to be moved to the relevant courts in the country in accordance with the new local and generic jurisdiction, new cases will have to be filed, panels will have to be staffed, often starting all over again, etc.

I also believe that many diversions and self-diversions will follow, because of the danger of dependencies at local level, which was avoided in the centralised structure of the specialised court.

A problem of jurisdiction will arise, as the prosecuted criminal organisations carry out their criminal activities in parallel and simultaneously throughout the entire territory of the country. Many jurisdictional disputes will follow, which the Supreme Court of Cassation will have to resolve.

A large number of cases will be separated, without being clear how the evidence gathered in the course of one case will be used when it is needed in all the separate and independent cases. The immutability of the judicial panels will be violated in the cases, where the course of the judicial investigation has started and their consideration will have to start from the beginning. I will remind you again that these are multi-volume cases, with dozens of defendants and defence lawyers, hundreds of witnesses and experts.

Sofia City Court is also assigned with the jurisdiction over all corruption offences that were previously under the jurisdiction of the Specialized Criminal Court - offences of a general nature committed by judges, prosecutors and investigators, by other persons with immunity and by members of the Council of Ministers, the Supreme Judicial Council, the Supreme Judicial

Council Inspectorate, the Commission for Combating Corruption and Confiscation of Illegally Acquired Property and the National Bureau of Special Intelligence Control, as well as by chairpersons of state agencies and state commissions, executive directors of executive agencies, as well as cases of offences under Chapter One of the Special Part of the Criminal Code.

In practice, with this legislative solution, Sofia City Court will become to an even greater extent a specialised court (under the current legislation, this court is also specialised, as it has jurisdiction over all cases of crimes of a general nature committed by magistrates, other persons with immunity and by members of the Council of Ministers, unless the special rules of jurisdiction of the specialised or military courts apply to them).

The transfer to Sofia City Court of the generic jurisdiction of the crimes falling within the jurisdiction of the Specialized Criminal Court, along with the cases for crimes of a general nature, will lead to overloading and to serious organizational difficulties in the work of Sofia City Court, which in turn will worsen the administration of justice.

In order to avoid the above risks, it is possible to provide that all cases initiated in the specialised courts will be completed by the judges to whom they have been assigned, according to the current conditions and procedure. However, there is no such provision in the draft law.

2. Repealing the provision of Art. 194, para. 1 item 2a of the CPC (§ 53, item 4), it is envisaged **the investigation of factually and legally complex crimes committed by persons holding senior public positions** (the President, the MPs, ministers, judges of the Constitutional Court, the Chairpersons of the Supreme Court of Cassation, the Supreme Appellate Court, the Prosecutor General, the administrative heads of Bodies of Judicial Authority, the members of the SJC, the SJCI, etc.) **to be conducted not by investigators but by the investigating police officers in the Ministry of the Interior.**

This category includes crimes of great complexity - embezzlement, document and computer frauds, abeyance, unprofitable transactions with significant damages, money laundering, misuse of money from European funds, illegal spending of budget funds, crimes against justice, bribes, etc.

There is no reasoning in the draft law as to why the investigations into these extremely complex crimes should be taken away from the investigators and be assigned to investigating police officers instead of the National Investigation Service, which is the state structure specialised as a resource and capacity in investigating particularly complex crimes.

3. With the complete repeal of Chapter Thirty-One “a” (§53, item 8), two additional problems arise:

3.1. Jurisdiction of a number of serious and complex crimes is being changed from the district to the regional level. Thus, cases of embezzlement, document and computer fraud, admission of a crime in office - Article 285, etc., committed by governors, deputy governors, mayors and deputy mayors, chairpersons of municipal councils, etc., will now be heard by a regional court.

That is, here again these cases will be heard by judges with no experience and practice in this matter, requiring a long time qualification, during which time the results will not be in the interest of justice.

3.2. The question of which court will have jurisdiction over cases within the competence of the European Public Prosecutor's Office is not addressed. This will lead to the application of the general rules of generic and local jurisdiction, which is highly unfortunate.

In conclusion, I believe that the closure of the specialised justice system will be a mistake that cannot be corrected later.

This is in total contradiction with the stated goals and priorities for fighting organised crime and corruption, as well as for reforming the judicial authority, aimed at ensuring a speedy and fair trial in the public interest.

In order to achieve effective results in the fight against organized crime and corruption, the efforts of the legislator are needed to overcome the heavy formalism of criminal proceedings and to provide meaningful legislative solutions in support of practising magistrates, who guarantee the rule of law and the proper functioning of the rule of law through their activities and decisions. Such results would hardly be achieved with the closure of entire units of the judicial authority and the adoption of a high-level normative act containing many confused assumptions and legal gaps.

BEST REGARDS,

Ivaylo Angelov

¹ Examples for this are Latvia, Italy, Spain, Portugal, Romania, Slovakia, etc. - <https://e-justice.europa.eu>

² <https://www.osce.org/secretariat/507119>

³ All reports can be found on https://ec.europa.eu/info/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/assistance-bulgaria-and-romania-under-cvm/reports-progress-bulgaria-and-romania_bg

⁴ <https://mjs.bg/home/index/28646b0b-e3bf-4dbc-9338-369ba6a55c11>

⁵ https://ec.europa.eu/info/publications/2020-rule-law-report-communication-and-country-chapters_bg

⁶ https://ec.europa.eu/commission/presscorner/detail/bg/qanda_21_3762

⁷ For example according to the statistical data on the number of the cases initiated in the Specialised Criminal Court for the ten-year period, it is incorrectly stated that there are 4679 cases. - these figures refer to 2020 only and not to a 10-years period!

The information about excessive settlement of cases without comparison with other district courts is also incorrect. Thus, in 2020, 77 cases were finalised with a settlement in the Specialised Criminal Court, while the number of the cases in Sofia City Court was 223, in the District Court of Plovdiv - 140, in the District Court of Burgas - 82, etc.

The information on the number of heard and resolved cases with charges of the different forms of criminal association under Article 321 of the Criminal Code is incorrectly stated in the statement of reasons to the draft law and it is unjustifiably critically presented, claiming that the specialised prosecution did not have a high success rate regarding criminal association offences compared to the charges for secondary criminal activity.

⁸ <https://www.riskmonitor.bg/bg/resurs/intervyu-s-prokuror-marko-del-gaudio-prokuratura-antimafiya-na-republika-italiya>

⁹ In 2015, 1 investigator was appointed to the SD - Specialised Prosecutor's Office and in 2019 - 1 prosecutor to the Specialised Prosecutor's Office and 7 investigators to the SD -Specialised Prosecutor's

Office. Prior to their appointment, they had practised professions outside the judicial authority - investigating police officers, lawyers, legal advisers, etc.

¹⁰ At present, a member of the Judicial Board - SJC and an inspector of the SJCI should be reinstated in the Appellate Specialised Court and the Appellate Specialised Prosecutor's Office respectively.

¹¹ At present, five candidates for junior investigators in the Investigation Division of the Specialised Prosecutor's Office have been ranked in the completed competitions for junior magistrates in 2021. They have not yet been appointed under the terms and conditions of Article 238 of the Law on the Judicial Authorities as junior investigators in the SR - Specialised Prosecutor's Office, due to the mandatory initial training at the National Institute of Justice - Article 249, paragraph 1, item 1 of the Law on the Judicial Authorities.

There are nine prosecutors appointed to the Specialised Prosecutor's Office under the concluded 2019 competition for promotion in the district prosecutor's offices who have not taken office as the decision of the Prosecutors' Board of the Supreme Judicial Council is under appeal.

A 2019 promotion competition is also expected to be concluded shortly for 1 post of "judge" in the Specialised Criminal Court.

¹² Art. 195, para. 4 of the Law on the Judicial Authorities.