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The Judicial Officer in the World

BULGARIA

Name (singular and plural): **частен съдебен изпълнител / частни съдебни изпълнители**

Presentation

Generalities

In Bulgaria there is a mixed system of enforcement - both private and state enforcement agents operate simultaneously. Approx. 195 judicial officers are appointed within approx. 190 offices. They work together with approx. 195 assistant - private enforcement agent and approx. 2 000 staff. These 195 judicial officers are liberal. There are also approx. 230 state enforcement agents.

Training

Initial and ongoing training of judicial officers

To become a judicial officer, the following level is required: five years of law studies (Master degree). There is an initial training for the future judicial officers. This training normally is not compulsory. The initial training is organised by the European School of Enforcement (The foundation is defined as a non-profit legal entity for implementation of activity for public benefit within the meaning of art. 2, para. 1 and Art. 37 of the Act on non-profit legal entities (NPOs)).

An ongoing training is available for the judicial officers. This training is not yet compulsory. It is organised by the European School of Enforcement.

Ongoing training for the staff of judicial officers

Ongoing training courses are available for the staff of judicial officers. By decision of the Council of Bulgarian Chamber of Private Enforcement Agents, on 14 October 2016 was established the European School of Enforcement (ESE) – a Foundation for Public Benefit Activities. From that date onwards, all training programs and courses for private enforcement agents, assistant - private enforcement agents, employees in offices and external participants are provided by our school.

The exercise of the profession

A professional exam is compulsory to exert the profession of judicial officer. The judicial officers are appointed by the Ministry of Justice. There is a limited by law number of judicial officers. For a defined region one position of private enforcement agent shall be created for each 30,000 inhabitants.

Under a few exceptions, all Private Enforcement Agents in Bulgaria exert individually. A judicial officer can exert his activities within a structure including another or several other judicial officers. Private Enforcement Agents may become partners and act jointly under the conditions specified for a civil company in accordance with Art. 357 – 364 of the Law on Obligations and Contracts. In such cases they



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shall keep both separate archives and a common archive and a joint accountancy.

The profession is represented at national level by the **Bulgarian Chamber of Private Enforcement Agents (BCPEA)**

Obligations of the judicial officer and ethical rules

The judicial officer is submitted to the following obligations relating to his activities:

- Compulsory service of the judicial officer and possible cases of exemption of service;
- Prohibition of service in certain cases (relationship, union, conflict of interest, ...);
- Cases and conditions in which the judicial officer must exert his activities personally;
- Obligations relating to the professional activities of the judicial officer;
- Conditions of keeping of archives of the judicial officer;
- Bookkeeping;
- Obligation to have an account specifically intended for depositing funds collected on behalf of clients of the judicial officer;
- Obligation to hand over the monies of third parties in a specific time;
- Obligation to respect the tariff;
- Obligation for the judicial officer to be submitted to a control of his activities;
- Obligation to comply with Ethical Code of Private Enforcement Agents;
- Professional secrecy;
- Obligation to take out professional and civil liability insurance.

There are rules relating to ethics and/or deontology applicable to the profession of judicial officer. Disciplinary rules are applicable to the profession of judicial officer. The judicial officer is submitted to a control of his activities.

Activities exerted by the judicial officers

Enforcement of court decisions

The judicial officer is in charge of enforcing court decisions, including the following enforcement measures:

- Attachment of movable goods in the hands of the debtor;
- Attachment of movable goods in the hands of a third party;
- Attachment of immovable;
- Attachment of earnings;
- Attachment in the hands of a third party of funds owed to the debtor;
- Attachment of intangible goods other than the funds owed to the debtor;
- Freezing and/or collection of tangible movable goods that should be handed over by the debtor according to a court decision;
- Attachment of motor vehicles;
- Attachment of ships and vessels;
- Attachment of aeroplanes;
- Attachment of crops;
- Attachment of goods locked in a safe;
- Evictions;



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- Handing of children according to a court decision;
- Provisional measures on tangible movable goods of the debtor;
- Provisional measures on intangible movable goods of the debtor;
- Physical (as opposed to Internet) forced auction sale of tangible movable goods attached by the judicial officer;
- Forced public auction sale of tangible movable goods;
- Forced public auction sale of intangible movable goods;
- Forced public auction sale of immovable;
- Distribution to creditors of monies collected during the forced auction sale of a movable good;
- Distribution to creditors of monies collected during the forced auction sale of an immovable good.

When in charge of enforcement, the judicial officer has access to some information on the assets of the debtor.

Service of judicial or extrajudicial documents

The judicial officer can serve judicial and/or extrajudicial documents in civil, commercial and/or criminal matters. When serving documents, the judicial officer has access to information to locate and/or search the addressee.

Forced public auction sales

The judicial officer can carry out the forced public auction sale of the following goods:

- Physical (as opposed to Internet) auction sale of tangible movable goods.
- Physical (as opposed to Internet) sale of immovable goods.

Voluntary public auction sales

The judicial officer cannot carry out the voluntary public auction sale of goods.

Other activities (X = Yes)	
Debt collection	
Statements of facts	
Sequestration of goods	X
Legal advice	
Bankruptcy proceedings	
Missions entrusted by a judge	
Mediation	
Representation of parties in the court	
Drawing up of private deeds and documents	
Court service	
Real estate management	