

Submission Template

The right to interpretation and translation and the right to information in criminal proceedings in the EU

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QUESTIONS

As envisaged in the section on Research Methodology, please note that some questions require consultation with organisations and/or practitioners working in relevant fields covered by the research to cross-check findings from the desk research with respect to the way in which the examined rights are applied in practice (such as judges, lawyers, interpreters and translators or civil society organisations active in the field of legal assistance in criminal proceedings).

Article I. SECTION A: The right to interpretation and translation in criminal proceedings

1.	RIGHT TO INTERPRETATION ¹	Brief Description
1.1		<p>Please provide answers to the following for each stage of proceedings as indicated below:</p> <p>a) Who has the responsibility for determining the need of interpretation at each stage of the proceedings?</p> <p>b) How it works in practice for the various stages of the proceedings to ascertain whether suspected or accused persons speak and understand the language of the proceedings?</p> <p>c) Who bears the cost of interpretation at each stage?</p> <p>d) What is the timeframe (deadline) for providing interpretation at each stage of the proceedings?</p> <p>Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</p>
	<ul style="list-style-type: none"> • police questioning; 	<p>a) Bulgarian criminal proceedings are held in Bulgarian. Persons, who do not have command of Bulgarian language, may use their native language or another language. In those cases, an interpreter/translator is appointed.² Accused persons, who do not have command of Bulgarian language, have the right to interpretation and translation in the criminal proceedings in a language they understand.³</p>

¹ See in particular Articles 2 and 4 and related recitals of Directive 2010/64/EU.

² Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 21, available at <http://lex.bg/bg/laws/ldoc/2135512224>.

³ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 55, Par. (3) and Art. 395a, Par. (1), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

1.1.1		The need of interpretation during pre-trial is determined by the investigative authorities ⁴ or the prosecutor in charge of the case. ⁵
		b) At any time during the proceedings, the investigative authorities or the prosecutor in charge of the case may establish that the accused person does not have command of Bulgarian. ⁶ There is no specific legal procedure or criteria for ascertaining this fact. In practice, authorities act depending on the specific situation. ⁷
		c) The costs of interpretation are covered by the authority, which has appointed the interpreter. ⁸
		d) The law does not specify any timeframe or deadline for providing interpretation. There is no reference to the interpretation being provided ‘immediately’ although such a reference is often used by the law in other cases. ⁹ In practice, interpretation is provided from the moment it is established that the accused person does not understand or speak Bulgarian. Thus, the timeframe for interpretation follows the timeframe of the respective investigative actions. ¹⁰ For example, when charges are brought against a person who does not understand Bulgarian, an interpreter must be present during the bringing of charges. In addition, the decree for bringing the charges must be translated in advance. When the court orders pre-trial detention, an interpreter must be present at the court hearing. ¹¹ The interpreter

⁴ For the majority of crimes the investigation authority is the police. Only for some categories of crimes the investigation authorities are the investigation services, which are part of the public prosecutor’s office. These categories of crimes include crimes against the republic (treason, espionage, terrorism, etc.), crimes against justice (false accusation, illegally obtaining a confession or testimony, etc.), failure to execute a sentence, allowing a prisoner to escape, crimes related to aircrafts, crimes related to the transplantation of organs, crimes related to nuclear energy, crimes related to state secret and classified information, etc. Investigation services investigate also all crimes committed abroad, some of the crimes committed by juveniles, and all crimes committed by judges, prosecutors, members of the parliament or the government, officials of the Ministry of the Interior, etc. For customs-related crimes (smuggling, crimes related to the payment of excise duty, etc.) Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 194, Par. (1), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

⁵ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 55, Par. (3) and Art. 395a, Par. (1), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

⁶ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 395b, Par. (1), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

⁷ Bulgaria, prosecutor from the Analytical Unit of the Supreme Prosecutor’s Office of Cassation.

⁸ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 189, Par. (2), available at: <http://lex.bg/bg/laws/ldoc/2135512224>; Bulgaria, representative of the National Legal Aid Bureau.

⁹ For example, when a foreigner is detained the Ministry of Foreign Affairs must be informed immediately. See Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 17, Par. (4), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁰ Bulgaria, representative of the National Legal Aid Bureau.

¹¹ Bulgaria, judge at the Sofia City Court.

		<p>takes part in all procedural actions involving the accused person and in the accused person's meetings with his/her lawyer in relation to the proceedings.¹²</p> <p>Legal aid providers maintain that the court or pre-trial authorities should, either by their own initiative or by request of the defence, appoint interpreters from the moment of the accused's detention or from the moment of bringing charges.¹³</p>
1.1.2	<ul style="list-style-type: none"> • court hearings; 	a) When the case is submitted to court, the judge rapporteur decides on the need for appointing an interpreter. ¹⁴
		b) At any time during the trial the court may establish that the defendant does not have command of Bulgarian. ¹⁵ In practice, the defendant's knowledge of Bulgarian is established via direct contact between him/her and the judge. The statement that the defendant understands and speaks Bulgarian is checked by asking him/her about the meaning of certain words and phrases. This is done only when there is doubt that the defendant does not understand or speak Bulgarian. The defendant's preference to use another language, which he/she understands better, is not subject to any checking and it is up to the defendant to make the choice. ¹⁶
		c) The costs of interpretation are covered by the court. ¹⁷
		d) The law does not envisage a specific timeframe or deadline for providing interpretation. There is no reference to the interpretation being provided 'immediately' although such a reference is often used by the law in other cases. ¹⁸ In practice, the timeframe for providing interpretation follows the timeframe for conducting the respective procedural action. ¹⁹ If the court orders detention in custody, an interpreter must be present at the court hearing. If an indictment is submitted to court, it must be translated (see part on translation of essential documents) and sent to the defendant, and an interpreter must be present at all hearings. ²⁰

¹² Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 395ж, Par. (1), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹³ Bulgaria, representative of the National Legal Aid Bureau.

¹⁴ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 256, Par. (1), Item 1, available at: <http://lex.bg/bg/laws/ldoc/2135512224>; Bulgaria, representative of the Sofia City Court.

¹⁵ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 395б, Par. (1), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁶ Bulgaria, representative of the Sofia City Court.

¹⁷ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 189, Par. (2), available at: <http://lex.bg/bg/laws/ldoc/2135512224>; Bulgaria, representative of the National Legal Aid Bureau.

¹⁸ For example, when a foreigner is detained the Ministry of Foreign Affairs must be informed immediately. See Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 17, Par. (4), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁹ Bulgaria, representative of the National Legal Aid Bureau.

²⁰ Bulgaria, representative of the Sofia City Court.

1.1.3	<ul style="list-style-type: none"> any necessary interim hearings; 	a) Same as court hearings. The same rules and procedures apply to all hearings.
		b) Same as court hearings.
		c) Same as court hearings.
		d) Same as court hearings.
1.1.4	<ul style="list-style-type: none"> any communication between suspects and accused persons and their legal counsel in direct connection with any questioning or hearing during the proceedings? 	a) The appointed interpreter takes part in all actions involving the accused person, including his/her meetings with a lawyer in relation to questioning or other procedural motions. ²¹ The need of interpretation is determined by the investigative authorities or the prosecutor in charge of the case during pre-trial ²² and by the court during trial. ²³
		b) Depending on the stage of proceedings, the knowledge of Bulgarian of the accused person is ascertained following the rules on police questioning (during pre-trial) or on court hearings (during trial).
		c) The authority, which has appointed the interpreter, bears the costs for the interpretation. ²⁴

²¹ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 395ж, Par. (1), available at <http://lex.bg/bg/laws/ldoc/2135512224>.

²² Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 55, Par. (3) and Art. 395a, Par. (1), available at: <http://lex.bg/bg/laws/ldoc/2135512224>; Bulgaria, prosecutor from the Analytical Unit of the Supreme Prosecutor's Office of Cassation.

²³ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 256, Par. (1), Item 1, available at: <http://lex.bg/bg/laws/ldoc/2135512224>; Bulgaria, judge at the Sofia City Court.

²⁴ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 189, Par. (2), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

		d) There is no specific timeframe or deadline. Once appointed, the interpreter must be present in all actions involving the accused person, including his/her meetings with a lawyer in relation to questioning or other procedural motions.
1.2	How do authorities ensure interpretation into rare/lesser known languages where no certified interpreters exist? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.	Interpreters and translators are selected from lists of specialists, approved for interpreters and translators. However, if needed, a specialist outside the lists may also be appointed. ²⁵ In practice, the embassy of the respective country can also be asked for help. In one such case, the embassy sent a diplomat speaking the rare language and English and interpretation was provided by two persons: the diplomat from the embassy and an interpreter from English to Bulgarian. ²⁶
1.3	Please describe procedures in place, if any, to ensure that suspects or accused persons have the right to challenge the decision that no interpretation is needed? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.	During pre-trial, the decision of the investigative authority, establishing that the accused has command of Bulgarian and does not need interpretation, can be challenged before the prosecutor in charge of the case, whose decision is final. During the trial, the court ruling establishing that the defendant does not need interpretation can be challenged before the higher court. ²⁷
1.4	With regard to remote interpretation via communication technologies :	

²⁵ Bulgaria, Judiciary Act (*Закон за съдебната власт*), 7 August 2007, Art. 396, Par. (1) and (2), available at: www.lex.bg/bg/laws/ldoc/2135560660; Bulgaria, representative of the National Legal Aid Bureau.

²⁶ Bulgaria, judge at the Sofia City Court.

²⁷ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 3956, Par. (2) and (3), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

a) Can communication technologies for the purpose of remote interpretation be used? If so, at what stage(s) of the proceedings?	The law allows for the use of communication technologies for the purpose of remote interpretation, if that would not hamper the exercise of the right of defence. ²⁸ In practice, remote interpretation is seldom used. Remote interpretation is only used when witnesses are interviewed via video or telephone conference. ²⁹			
b) Which technologies are used, if any (videoconference, telephone, internet, etc.)	For remote interpretation, the law allows the use of videoconference, telephone conference or another technical means. ³⁰			
c) Do competent authorities rely on the tools developed in the context of European e-Justice (e.g. information on courts with videoconferencing equipment provided on the European E-justice Portal)? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.	For Bulgaria, the European e-Justice Portal states that courts do not currently have videoconferencing equipment and the information will be updated after the conclusion of an equipment delivery project. ³¹ In practice, authorities most often collect the information they need by contacting the competent foreign authority via the European Judicial Network in Criminal Matters or Eurojust. ³²			
TRAINING³³	Yes	No	Brief Description	
1.5 Are providers of judicial training requested to pay special attention to the particularities of communicating with the	x		The main provider of judicial training in Bulgaria is the National Institute of Justice (NIJ) (<i>Национален институт на правосъдието</i> , НИП). НИП looks at the right to interpretation within the framework of Article 6 of the ECHR and the related trainings. In 2008-2013, four trainings were held for 122 magistrates in total. In 2011-2012, НИП organised two	

²⁸ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 395ж, Par. (2), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

²⁹ Bulgaria, judge at the Sofia City Court.

³⁰ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 395ж, Par. (2), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

³¹ Bulgaria, representative of the National Legal Aid Bureau; see also https://e-justice.europa.eu/content_information_on_national_facilities-319-bg-en.do?clang=bg (only in Bulgarian).

³² Bulgaria, judge at the Sofia City Court.

³³ See in particular Article 6 and relevant recitals of Directive 2010/64/EU.

assistance of an interpreter so as to ensure efficient and effective communication? If yes, briefly provide details.		trainings together with the Council of Europe. As of 2013, the training on ECHR is the focus of a project implemented by НИП under the Norwegian Financial Mechanism. The training on Article 6 of the ECHR covers the topic of interpretation and translation as part of the right to fair trial. ³⁴
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2.	RIGHT TO TRANSLATION OF DOCUMENTS ³⁵	Brief Description
2.1	<p>Please provide answers to the following for each stage of proceedings as indicated below:</p> <p>a) Which documents (according to national law or established practice) are considered essential to translate in order to safeguard the fairness of the proceedings?</p> <p>b) Who bears the cost of translation at each stage?</p> <p>c) What is the timeframe (deadline) for the translation of documents at each stage of the proceedings?</p> <p>Please cross-check findings from the desk-research by consulting relevant organisations and/or practitioners.</p>	
	<ul style="list-style-type: none"> • police questioning; 	<p>a) The accused is given translation of the decree for bringing charges and of the court rulings for the imposition of remand measures.³⁶ Pre-trial authorities may, upon their own initiative or upon written request of the accused or his/her lawyer, provide translation of other case documents as well, if these documents are of significance for exercising the right of defence.³⁷ Written or oral translation of additional documents or parts thereof may be refused if they are not significant or relevant to the defendant's right of defence.³⁸ The investigative authority's refusal may be challenged before the prosecutor in charge of the case.³⁹</p>

³⁴ Bulgaria, representative of the National Institute of Justice.

³⁵ See in particular Articles 3 and 4 and relevant recitals of Directive 2010/64/EU.

³⁶ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 55, Par. (3), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

³⁷ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 395a, Par. (2), available at <http://lex.bg/bg/laws/ldoc/2135512224>; Bulgaria, prosecutor from the Analytical Unit of the Supreme Prosecutor's Office of Cassation; representative of the National Legal Aid Bureau.

³⁸ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 395r, Par. (1), available at <http://lex.bg/bg/laws/ldoc/2135512224>; Bulgaria, prosecutor from the Analytical Unit of the Supreme Prosecutor's Office of Cassation.

³⁹ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 395r, Par. (2), available at <http://lex.bg/bg/laws/ldoc/2135512224>; Bulgaria, prosecutor from the Analytical Unit of the Supreme Prosecutor's Office of Cassation.

2.1.1		b) The costs of translation are covered by the respective investigative body. ⁴⁰
		c) There is no specific timeframe laid down in the law. ⁴¹ In practice, the timeframe for providing translation follows the timeframe for conducting the respective procedural actions and the deadlines for serving the respective documents.
2.1.2	<ul style="list-style-type: none"> • court hearings; 	a) The defendant is given translation of the indictment, the sentence and the decision of the second and third instance court. ⁴² The court may, upon its own initiative or upon written request of the defendant or his/her lawyer, provide translation of other case documents as well, if they are of significance for exercising the right of defence. ⁴³
		b) The costs of translation are covered by the court. ⁴⁴
		c) There is no specific timeframe laid down in the law. In practice, the timeframe for providing translation follows the timeframe for conducting the respective procedural actions and the deadlines for serving the respective documents. ⁴⁵
	<ul style="list-style-type: none"> • any necessary interim hearings; 	a) Same as court hearings. The same rules and procedures apply to all hearings.

⁴⁰ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 189, Par. (2), available at <http://lex.bg/bg/laws/ldoc/2135512224>.

⁴¹ Bulgaria, prosecutor from the Analytical Unit of the Supreme Prosecutor's Office of Cassation.

⁴² Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 55, Par. (3), available at <http://lex.bg/bg/laws/ldoc/2135512224>; Bulgaria, judge at the Sofia City Court.

⁴³ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 395a, Par. (2), available at: <http://lex.bg/bg/laws/ldoc/2135512224>; Bulgaria, representative of the National Legal Aid Bureau .

⁴⁴ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 189, Par. (2), available at: <http://lex.bg/bg/laws/ldoc/2135512224>; Bulgaria, representative of the National Legal Aid Bureau.

⁴⁵ Bulgaria, judge at the Sofia City Court.

2.1.3		b) Same as court hearings.
		c) Same as court hearings.
2.1.4	<ul style="list-style-type: none"> any communication between suspects and accused persons and their legal counsel in direct connection with any questioning or hearing during the proceedings? 	<p>a) The appointed interpreter takes part in the accused person's meetings with his/her lawyer in relation to questioning or other procedural motions.⁴⁶ No documents related to these meetings are included in the list of documents, for which translation is mandatory. However, there is a general provision allowing pre-trial authorities and courts to provide translation to other documents upon their own initiative or upon written request of the accused or his/her lawyer, if these documents are of significance for exercising the right of defence.⁴⁷</p> <p>b) The costs of translation, if provided, are covered by the authority, which has allowed or ordered the translation.</p> <p>c) There is no specific timeframe laid down in the law. In practice, if provided, translation follows the timeframe for conducting the respective actions.</p>
2.2	How do the competent authorities ascertain whether oral translation or oral summary of essential documents may be provided instead of a written translation? Please cross-check findings from the desk research by consulting	By exception, the law explicitly states that oral translation or summary may be provided of essential or non-essential documents, if the defendant agrees, if he/she has an attorney and if his/her procedural rights are not violated. ⁴⁸ Practitioners maintain that essential documents listed in the law should always have full written translation. Those not listed in the law may be translated orally but this should be done in full, not in the form of a summary. ⁴⁹

⁴⁶ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 395ж, Par. (1), available at <http://lex.bg/bg/laws/ldoc/2135512224>.

⁴⁷ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 395а, Par. (2), available at <http://lex.bg/bg/laws/ldoc/2135512224>.

⁴⁸ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 395а, Par. (3), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

⁴⁹ Bulgaria, judge at the Sofia City Court.

	relevant organisations and/or practitioners.			
2.3	Please describe procedures in place, if any, to ensure that suspects or accused persons have the right to challenge the decision that no translation is needed? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.	During pre-trial, the decision of the investigative authority, establishing that the accused does not need translation, can be challenged before the prosecutor in charge of the case. During the trial, the court ruling establishing that the accused does not need translation may be challenged before the higher court. ⁵⁰		
		Yes	No	Brief Description
2.4	Do all documents that the suspected or accused person has to sign during the proceedings have to be translated?		x	Written translation is mandatory only of the documents expressly listed in the law: the decree for bringing charges, the court ruling for imposing remand measures, the indictment, the sentence, and the decision of the second and third instance court. ⁵¹ The written records of the accused's questioning are not among those documents. In practice, the interpreter, who must be present during the questioning, should provide interpretation and then certify that he/she has read the records to the accused in his/her language, before the accused signs them. ⁵²
2.5	Is it possible to waive the right to translation of documents and if so, what form can it have and under which conditions can it be accepted?	x		The accused can waive his/her right to translation, when he/she has an attorney and his/her procedural rights are not infringed. ⁵³ The court and pre-trial authorities explain to the accused his/her right to waive the right to oral or written

⁵⁰ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 3956, par. (2, 3), available at <http://lex.bg/bg/laws/ldoc/2135512224>.

⁵¹ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 55, Par. (3), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

⁵² Bulgaria, judge at the Sofia City Court.

⁵³ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 55, Par. (3), available at: <http://lex.bg/bg/laws/ldoc/2135512224>; Bulgaria, judge at the Sofia City Court.

				translation of essential acts. ⁵⁴ The waiver is put into written records, signed by the accused and his/her attorney. If the waiver is done in a court hearing a notification about it is included in the written records of the hearing. ⁵⁵
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3. RIGHTS CONCERNING BOTH INTERPRETATION AND TRANSLATION ⁵⁶				
3.1	With regard to use of registers of interpreters and translators in EU Member States:	Yes	No	Brief Description
	a) Do national databases or registers exist for legal translators and interpreters?	x		There is no single national register of legal translators and interpreters. There are lists of legal translators and interpreters maintained by the district and administrative courts, the Specialised Criminal Court (SCC) (<i>Специализиран наказателен съд</i> , СНС), the Supreme Court of Cassation (SCC) (<i>Върховен касационен съд</i> , ВКС), the Supreme Administrative Court (SAC) (<i>Върховен административен съд</i> , ВАС), the Supreme Prosecutor's Office of Cassation (SPOC) (<i>Върховна касационна прокуратура</i> , ВКП), the Supreme Administrative Prosecutor's Office (SAPO) (<i>Върховна административна прокуратура</i> , ВАП) and the National Investigative Service (NIS) (<i>Национална следствена служба</i> , НСлС). ⁵⁷
	b) Do translators and interpreters have to be listed in databases/registers for their services to be used? In other words, is membership/registration mandatory?		x	Interpreters and translators are appointed from the respective list, but, if needed, specialists outside the list may also be appointed. ⁵⁸ Each authority is also allowed to appoint a translator or interpreter included in the list of another authority. ⁵⁹ The persons outside the lists are not subject to the same requirements because the regulation on judicial translators and interpreters do not apply to them. This is why the law states that such persons can be appointed only 'if needed', which in practice means that there is no translator or interpreter with the necessary qualification on the list.

⁵⁴ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 395в, Par. (1), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

⁵⁵ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 395в, Par. (2), available at: <http://lex.bg/bg/laws/ldoc/2135512224>; Bulgaria, judge at the Sofia City Court.

⁵⁶ See in particular Article 5 and relevant recitals of Directive 2010/64/EU.

⁵⁷ Bulgaria, Judiciary Act (*Закон за съдебната власт*), 7 August 2007, Art. 398, Par. (1) and (2), available at: www.lex.bg/bg/laws/ldoc/2135560660; Bulgaria, Regulation No H-1 of 16 May 2014 on judicial interpreters and translators (*Наредба № Н-1 от 16.05.2014 г. за съдебните преводачи*), 23 May 2014, Art. 3 and 4, available at: <http://lex.bg/bg/laws/ldoc/2136201299>; Bulgaria, representative of the National Legal Aid Bureau.

⁵⁸ Bulgaria, Judiciary Act (*Закон за съдебната власт*), 7 August 2007, Art. 396, Par. (1) and (2), available at: www.lex.bg/bg/laws/ldoc/2135560660.

⁵⁹ Bulgaria, Judiciary Act (*Закон за съдебната власт*), 7 August 2007, Art. 398, Par. (3), available at: www.lex.bg/bg/laws/ldoc/2135560660.

c) Who has access to these databases?	Brief Description: The lists of judicial interpreters and translators are public. ⁶⁰ They are promulgated in the State Gazette (<i>Държавен вестник</i>) and are uploaded on the Internet. ⁶¹ However, there are no rules on the information to be included in the lists. As a result, the lists of interpreters and translators, published on the websites of different courts, reveal a different degree of detail on the qualifications of respective specialists. ⁶²		
d) Which professional qualifications are needed by: <ul style="list-style-type: none"> • translators and • interpreters in order to be registered in the database?	Brief Description: Judicial interpreters and translators must have C1 or C2 level according to the Common European Framework of Reference for Languages and must not be deprived of their rights to exercise profession. ⁶³ When applying for inclusion in the lists, candidates must present a certificate for their language level and documents showing relevant previous work experience, if they have such. ⁶⁴		
e) Are there any requirements in place to ensure the independence of interpreters and translators? If yes, provide a brief overview (for both translators and interpreters).	x		Translators and interpreters must not be interested in the outcome of the case and must not be in any relation to any of the parties to the case that would give rise to justifiable doubts as to their impartiality. ⁶⁵ The following persons cannot be appointed as interpreters and translators on a particular case: those who have participated in the same case in another procedural capacity or are spouses or close relatives to such persons, or may be biased or otherwise interested in the outcome of the case; witnesses to the case; those who are in official or other dependence to other participants in the same case. ⁶⁶ These restrictions apply to all translators and interpreters irrespective of whether they have been selected from or outside the lists of judicial translators or interpreters.

⁶⁰ Bulgaria, Judiciary Act (*Закон за съдебната власт*), 7 August 2007, Art. 398, Par. (4), available at: www.lex.bg/bg/laws/ldoc/2135560660.

⁶¹ Bulgaria, Regulation No H-1 of 16 May 2014 on judicial interpreters and translators (*Наредба № H-1 от 16.05.2014 г. за съдебните преводачи*), 23 May 2014, Art. 14, Par. (3), available at: <http://lex.bg/bg/laws/ldoc/2136201299>; Bulgaria, representative of the National Legal Aid Bureau.

⁶² See for example the list of the district court in Burgas (available at: www.os-burgas.org/index.php/2014-07-02-07-51-55) and the one of the district court in Gabrovo (available at: www.os-gabrovo.org/Order/translator.pdf).

⁶³ Bulgaria, Regulation No H-1 of 16 May 2014 on judicial interpreters and translators (*Наредба № H-1 от 16.05.2014 г. за съдебните преводачи*), 23 May 2014, Art. 8, Items 1 and 3, available at: <http://lex.bg/bg/laws/ldoc/2136201299>.

⁶⁴ Bulgaria, Regulation No H-1 of 16 May 2014 on judicial interpreters and translators (*Наредба № H-1 от 16.05.2014 г. за съдебните преводачи*), 23 May 2014, Art. 12, Items 3 and 5, available at <http://lex.bg/bg/laws/ldoc/2136201299>.

⁶⁵ Bulgaria, Judiciary Act (*Закон за съдебната власт*), 7 August 2007, Art. 397, available at: www.lex.bg/bg/laws/ldoc/2135560660.

⁶⁶ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 395e, Par. (3), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

				<p>The body, appointing the interpreter or translator, summons the person and checks his/her relations with the defendant and the victim, as well as the possible grounds for recusal.⁶⁷</p> <p>Interpreters and translator cannot be questioned as witnesses about the information they have obtained during their meetings with the accused and his/her attorney.⁶⁸</p> <p>Legality, procedural independence, conscientiousness, objectiveness, correctness and completeness of interpretation and translation are also declared as guiding principles in the regulation on judicial interpreters and translators.⁶⁹ In case of continued failure to comply with those principles, a person may be removed from the lists of interpreters and translators.⁷⁰ A judicial interpreter or translator cannot serve administration of justice functions within the judiciary.⁷¹</p>
	f) Is access to existing databases provided through the European e-Justice portal ? ⁷² How is this register available to legal counsel and relevant authorities?		x	<p>Bulgaria does not have translators and interpreters' database, available via the European E-justice Portal.⁷³ Approved lists of judicial interpreters and translators are promulgated in the State Gazette (<i>Държавен вестник</i>) and are uploaded on the Internet.⁷⁴</p>
	g) Are criminal justice institutions required to use interpreters and translators listed in these registers?		x	<p>Criminal justice institutions are allowed, if necessary, to use interpreters and translators not included in the lists.⁷⁵</p>

⁶⁷ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 395e, Par. (2), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

⁶⁸ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 121, Par. (2), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

⁶⁹ Bulgaria, Regulation No H-1 of 16 May 2014 on judicial interpreters and translators (*Наредба № Н-1 от 16.05.2014 г. за съдебните преводачи*), 23 May 2014, Art. 2, available at <http://lex.bg/bg/laws/ldoc/2136201299>.

⁷⁰ Bulgaria, Regulation No H-1 of 16 May 2014 on judicial interpreters and translators (*Наредба № Н-1 от 16.05.2014 г. за съдебните преводачи*), 23 May 2014, Art. 18, Par. (1), Item 5, available at: <http://lex.bg/bg/laws/ldoc/2136201299>.

⁷¹ Bulgaria, Regulation No H-1 of 16 May 2014 on judicial interpreters and translators (*Наредба № Н-1 от 16.05.2014 г. за съдебните преводачи*), 23 May 2014, Art. 8, Item 4, available at <http://lex.bg/bg/laws/ldoc/2136201299>.

⁷² <https://e-justice.europa.eu/home.do?plang=en&action=home>

⁷³ Bulgaria, National Legal Aid Bureau (*Национално бюро за правна помощ*) (2015), Letter of 30.04.2015 to the Center for the Study of Democracy (*Писмо от 30.04.2015 г. до Центъра за изследване на демокрацията*), 30 April 2015; See also https://e-justice.europa.eu/content_find_a_legal_translator_or_an_interpreter-116-bg-en.do?member=1, where the information dates back before the adoption of the specific regulation on judicial interpreters, duly reflected in the present report.

⁷⁴ Bulgaria, Regulation No H-1 of 16 May 2014 on judicial interpreters and translators (*Наредба № Н-1 от 16.05.2014 г. за съдебните преводачи*), 23 May 2014, Art. 14, par. (3), available at: <http://lex.bg/bg/laws/ldoc/2136201299>; Bulgaria, representative of the National Legal Aid Bureau.

⁷⁵ Bulgaria, Judiciary Act (*Закон за съдебната власт*), 7 August 2007, Art. 396, Par. (1) and (2), available at: www.lex.bg/bg/laws/ldoc/2135560660; Bulgaria, judge at the Sofia City Court; Bulgaria, representative of the National Legal Aid Bureau.

3.2	With regard to other mechanisms/procedures:	Yes	No	Brief Description
	a) Are there other mechanisms or procedures in place to ensure the quality and independence of interpretation and translation during the course of the proceedings? Are there any quality checks? Who is responsible for carrying them out?	x		<p>Judicial interpreters and translator must have professional indemnity insurance to cover the damages, which may occur during the performance of their functions. A document certifying that such insurance has been made must be presented when the candidate is included in the respective list of translators and interpreters.⁷⁶</p> <p>According to legal aid providers, when there are multiple defendants with contradictory interests, the court or pre-trial authorities should appoint an interpreter for each of them to avoid doubts about the independence of interpretation.⁷⁷</p> <p>There is also a set of ethical rules, which translators and interpreters have to observe. These restrictions apply to all translators and interpreters irrespective of whether they have been selected from or outside the lists of judicial translators or interpreters. Translators and interpreters are obliged not to disclose the information obtained during the proceedings.⁷⁸ Translators and interpreters are bound by the rule on confidentiality both during and after the performance of their services.⁷⁹ Translators and interpreters must perform their services in good faith and in line with their tasks and deadlines.⁸⁰ Before the case is over, they cannot accept gifts, services or job offers from any of the parties to the case or their representatives.⁸¹ Translators and interpreters can advertise their services in a manner that gives a true picture of its qualification and the characteristics of the respective type of translation or interpretation.⁸²</p>

⁷⁶ Bulgaria, Regulation No H-1 of 16 May 2014 on judicial interpreters and translators (*Наредба № H-1 от 16.05.2014 г. за съдебните преводачи*), 23 May 2014, Art. 7, available at: <http://lex.bg/bg/laws/ldoc/2136201299>.

⁷⁷ Bulgaria, representative of the National Legal Aid Bureau.

⁷⁸ Bulgaria, Regulation No H-1 of 16 May 2014 on judicial interpreters and translators (*Наредба № H-1 от 16.05.2014 г. за съдебните преводачи*), 23 May 2014, Art. 34, available at: <http://lex.bg/bg/laws/ldoc/2136201299>.

⁷⁹ Bulgaria, Regulation No H-1 of 16 May 2014 on judicial interpreters and translators (*Наредба № H-1 от 16.05.2014 г. за съдебните преводачи*), 23 May 2014, Art. 35, available at: <http://lex.bg/bg/laws/ldoc/2136201299>.

⁸⁰ Bulgaria, Regulation No H-1 of 16 May 2014 on judicial interpreters and translators (*Наредба № H-1 от 16.05.2014 г. за съдебните преводачи*), 23 May 2014, Art. 36, available at: <http://lex.bg/bg/laws/ldoc/2136201299>.

⁸¹ Bulgaria, Regulation No H-1 of 16 May 2014 on judicial interpreters and translators (*Наредба № H-1 от 16.05.2014 г. за съдебните преводачи*), 23 May 2014, Art. 37, available at: <http://lex.bg/bg/laws/ldoc/2136201299>.

⁸² Bulgaria, Regulation No H-1 of 16 May 2014 on judicial interpreters and translators (*Наредба № H-1 от 16.05.2014 г. за съдебните преводачи*), 23 May 2014, Art. 38, available at: <http://lex.bg/bg/laws/ldoc/2136201299>.

	b) Is there any procedure in place to ensure that suspects or accused persons have the possibility, when interpretation and translation has been provided, to complain about the quality and independence of the interpretation and translation?	x		The general tool for challenging the independence of interpreters and translators is requesting their recusal. ⁸³ The accused may otherwise object against the quality of translation or interpretation at any point of the proceedings. ⁸⁴ The objection can also be raised by the accused's attorney. ⁸⁵ In practice, the accused may object the correctness of interpretation, but can only do so if he/she speaks some Bulgarian. If the interpreter is not conscientious enough, and the judge does not have command of the respective foreign language, the accused may object and the interpreter may conceal the objection. In this case, the judge can only rely on perceiving tension between the accused and the interpreter and remove the interpreter. ⁸⁶
	c) Are there any mechanisms in place that allow for the replacement of the appointed interpreter or a new translation when the quality of the interpretation or the independence of the interpreter is considered insufficient? If yes, briefly provide information.	x		If the court or the investigative body considers the objection against the quality of translation or interpretation justified, it removes the translator or interpreter and appoints a new one, or orders a new translation or interpretation. ⁸⁷ Additional translation of documents may be ordered, when the initial one is not sufficiently comprehensive or clear, and a new translation may be ordered when there is doubt about the initial one's correctness. ⁸⁸
3.3	Are there special procedures designed to take into account the special needs of vulnerable suspects or vulnerable accused persons which affect their ability			

⁸³ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 274, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

⁸⁴ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 395д, Par. (1), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

⁸⁵ Bulgaria, representative of the National Legal Aid Bureau.

⁸⁶ Bulgaria, judge at the Sofia City Court.

⁸⁷ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 395д, Par. (2), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

⁸⁸ Bulgaria, Regulation No H-1 of 16 May 2014 on judicial interpreters and translators (*Наредба № H-1 от 16.05.2014 г. за съдебните преводачи*), 23 May 2014, Art. 5, available at <http://lex.bg/bg/laws/ldoc/2136201299>.

	to communicate effectively? ⁸⁹ If yes, briefly provide information on those mechanisms considering the following vulnerable groups:			
	a) suspect or accused persons with physical impairment or disability;	x		If the accused has hearing or speaking disability, a sign interpreter is appointed. ⁹⁰ Sign interpreters are subject to the same procedural rules as the interpreters and translators. ⁹¹ If the accused has physical impairment or disability, which prevents him/her from exercising his/her right of defence alone, the participation of defence counsel is mandatory. ⁹²
	b) suspect or accused persons with intellectual impairment or disability;	x		If the accused has intellectual impairment or disability, which prevents him/her from exercising his/her right of defence alone, the participation of defence counsel is mandatory. ⁹³ No other special procedures are in place addressing the special needs of this category of vulnerable accused persons.
	c) i) children who are suspects/defendants, and/or ii) holders of parental responsibility (please distinguish between the two).	x		Children under 14 years of age are not criminally liable and cannot participate in criminal proceedings as accused persons. There are special rules for proceedings against defendants between 14 and 18 years of age. The investigations of such cases is done by specially trained authorities. ⁹⁴ If needed, a specialist of educational or psychological background takes part in the questioning and can pose questions with the permission of the investigators. He/she may check the content of the questioning records and make remarks in terms of its correctness and comprehensiveness. ⁹⁵ The child's parents or guardians are notified about the serving of the investigative file and may be present if they so wish. ⁹⁶ Parents and guardians are always summoned during trial and are allowed to take part in the collection and verification of evidence. ⁹⁷ There are no other rules dealing specifically with interpretation and translation when the defendant is a child.

⁸⁹ See in particular recital 27 of Directive 2010/64/EU.

⁹⁰ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 395з, Par. (1), available at: <http://lex.bg/bg/laws/ldoc/2135512224>; Bulgaria, representative of the National Legal Aid Bureau.

⁹¹ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 395з, Par. (2), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

⁹² Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 94, Par. (1), Item 2, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

⁹³ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 94, Par. (1), Item 2, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

⁹⁴ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 385, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

⁹⁵ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 388, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

⁹⁶ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 389, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

⁹⁷ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 392, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

3.4	Is there any recording procedure to note that interpretation and translation have occurred and in which form? ⁹⁸ If yes, briefly provide information on how this procedure is organised in practice.	x		The participation of an interpreter and the translation of case-related documents is indicated in the records drawn for each procedural action. This rule applies both at the pre-trial ⁹⁹ and trial ¹⁰⁰ stage.
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⁹⁸ See in particular Article 7 and relevant recitals of Directive 2010/64/EU.

⁹⁹ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 128, 129, 131, 228 and 229, available at <http://lex.bg/bg/laws/doc/2135512224>.

¹⁰⁰ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 311 and 312, available at <http://lex.bg/bg/laws/doc/2135512224>.

SECTION B: RIGHT TO INFORMATION IN CRIMINAL PROCEEDINGS

1.	PROVISION OF INFORMATION ON THE PROCEDURAL RIGHTS ¹⁰¹	Brief Description
1.1		<p>Please provide answers to the following for each stage of proceedings as indicated below:</p> <p>a) What information is provided?</p> <p>b) How is it provided (e.g. orally or in writing)?</p> <p>c) What is the timeframe (deadline) for providing interpretation at each stage of the proceedings?</p> <p>Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</p>
	<ul style="list-style-type: none"> • police questioning; 	<p>a) The investigative authorities are obliged to explain to the accused his/her procedural rights.¹⁰² The accused has the right to know for what crime he/she is charged and on what evidence the charges are based. He/she is also entitled to get acquainted with the case, including the information obtained by special investigative means, to present evidence, to take part in the proceedings, to make motions, to speak last, to challenge acts, infringing upon his/her rights and lawful interests and to have an attorney.¹⁰³ When the accused is summoned for questioning or for other procedural actions, the summons explicitly indicates that he/she can appear with an attorney.¹⁰⁴ Before the questioning, the investigative authority presents to the accused the decree for bringing charges against him/her.¹⁰⁵ This decree includes information about the act for which the accused is charged and, if that will not hamper the investigation, the evidence on which the charges are based.¹⁰⁶ The decree also lists the rights of the accused, including the right to refuse giving explanations and the right to an authorised or appointed attorney.¹⁰⁷</p>

¹⁰¹ See in particular Article 3 and relevant recitals of Directive 2012/13/EU.

¹⁰² Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 15, Par. (3), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁰³ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 55, Par. (1), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁰⁴ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 179, par. (2), available at <http://lex.bg/bg/laws/ldoc/2135512224>

¹⁰⁵ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 219, Par. (1), available at: <http://lex.bg/bg/laws/ldoc/2135512224>; Bulgaria, judge at the Sofia City Court.

¹⁰⁶ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 219, Par. (3), Item 4, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁰⁷ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 219, Par. (3), Item 6 in relation with Art. 55, available at: <http://lex.bg/bg/laws/ldoc/2135512224>; Bulgaria, judge at the Sofia City Court.

<p>All records of investigative actions are presented to the persons who have taken part in them, including the accused. Copies of the records for searches, seizures and medical certifications are presented to the persons, against which those actions were taken.¹⁰⁸ Police authorities may detain persons for whom there is information that they may have committed a crime, persons who are wanted to be detained or persons sought in relation to extradition or European arrest warrant proceedings.¹⁰⁹ This detention is not part of the criminal proceedings. Nevertheless, the written detention order gives information about the factual and legal justification of the detention and the detained person's right to challenge the detention before court, to have an attorney as of the moment of detention, to have medical aid, to make a telephone call to notify about his/her detention, to get in contact with consular authorities of his/her state, if he/she is a foreigner, and to have an interpreter, if he/she does not speak Bulgarian.¹¹⁰</p>
<p>b) The information provided to the accused person is included in the decree for bringing charges, which is a written document.¹¹¹ This document is presented to the accused person who is allowed to get acquainted with its content. If necessary, the investigative authority provides additional clarifications orally.¹¹² A copy of the decree for bringing charges is given to the accused who certifies its receipt by his/her signature.¹¹³ In cases of police detention, a detention order listing the detainee's rights is prepared in writing.¹¹⁴ The detainees sign a written declaration, in which they certify that they are acquainted with their rights and declare their intention to use or not to use their rights to have an attorney, to receive medical aid, to make a telephone call, to contact consular authorities and to have an interpreter. The declaration follows a template annexed to an instruction by the Ministry of the Interior (MOI) (<i>Министерство на вътрешните работи, МВР</i>).¹¹⁵ The</p>

¹⁰⁸ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 236, Par. (1) and (4), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁰⁹ Bulgaria, Ministry of the Interior Act (*Закон за Министерството на вътрешните работи*), 27 June 2014, Art. 72, Par. (1), Item 1 and 6, available at: <http://lex.bg/bg/laws/ldoc/2136243824>.

¹¹⁰ Bulgaria, Ministry of the Interior Act (*Закон за Министерството на вътрешните работи*), 27 June 2014, Art. 74, Par. (2), available at: <http://lex.bg/bg/laws/ldoc/2136243824>; Bulgaria, judge at the Sofia City Court; Bulgaria, representative of the National Legal Aid Bureau.

¹¹¹ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 219, Par. (1) and (3), available at: <http://lex.bg/bg/laws/ldoc/2135512224>; Bulgaria, judge at the Sofia City Court.

¹¹² Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 219, Par. (4), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹¹³ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 219, Par. (4), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹¹⁴ Bulgaria, Ministry of the Interior Act (*Закон за Министерството на вътрешните работи*), 27 June 2014, Art. 74, Par. (2), available at: <http://lex.bg/bg/laws/ldoc/2136243824>; Bulgaria, judge at the Sofia City Court.

¹¹⁵ Bulgaria, Instruction No 8121з-78 of 24 January 2015 on the order of conducting detention, the equipment of premises for placing detainees and the order in them in the Ministry of the Interior (*Инструкция № 8121з-78 от 24 януари 2015 г. за реда за осъществяване на задържане, оборудването на помещенията за настаняване на задържани лица и реда в тях в Министерството на вътрешните работи*), 3 February 2015, available at: www.lex.bg/bg/mobile/ldoc/2136426770; Bulgaria, representative of the National Legal Aid Bureau.

		detention order is signed by the police authority and the detainee. It is then entered in a special register and a copy of it is given to the detainee. ¹¹⁶
		c) The information is provided before the questioning of the accused person. ¹¹⁷
	<ul style="list-style-type: none"> • court hearings; 	<p>a) When the case is brought to court, the judge rapporteur sends a copy of the indictment to the defendant and informs him/her about the time of the court hearing.¹¹⁸ The indictment contains information about the legal classification of the criminal act, the circumstances, aggravating or alleviating the liability of the accused, and the evidence, from which these circumstances are established.¹¹⁹ When the court orders a remand measure, a copy of the decree is given to defendant. The decree includes information about the crime the defendant is accused of and the justification of the imposed measure.¹²⁰ The defendant is also acquainted with the records of the court hearing, which contains information about all that has happened at the hearing. The defendant also has the right to suggest corrections and additions to the records.¹²¹</p>
		b) The indictment and the records of the court hearing are presented in writing. In addition, at the beginning of the court hearing, the judge reads the indictment aloud. ¹²²
		c) The indictment is sent to the defendant at least seven days before the hearing. ¹²³
		a) Same as court hearings. The same rules and procedures apply to all hearings.

¹¹⁶ Bulgaria, Ministry of the Interior Act (*Закон за Министерството на вътрешните работи*), 27 June 2014, Art. 74, Par. (3), (4), (5) and (6), available at: <http://lex.bg/bg/laws/ldoc/2136243824>.

¹¹⁷ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 219 and 221, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹¹⁸ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 254, Par. (1) and (4), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹¹⁹ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 246, Par. (2), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹²⁰ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 59, Par. (1), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹²¹ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 311 and 312, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹²² Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 276, Par. (1), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹²³ Bulgaria, judge at the Sofia City Court.

	<ul style="list-style-type: none"> • any necessary interim hearings; 	
	<ul style="list-style-type: none"> • any communication between suspects and accused persons and their legal counsel in direct connection with any questioning or hearing during the proceedings? 	<p>b) Same as court hearings.</p> <p>c) Same as court hearings.</p> <p>a) There are no rules as to what information is provided to the defendant in relation to his/her communication with his/her legal counsel. The defendant's attorney can participate in all investigative and procedural actions involving the defendant, unless the latter has expressly waived that right.¹²⁴ The attorney can meet the accused in private and is entitled to get acquainted with the case, to present evidence, to take part in the proceedings, to make motions and to challenge the acts, which infringe the rights and lawful interests of the accused. The attorney's failure to appear for a certain procedural actions does not hamper its performance.¹²⁵ The attorney has to provide legal aid to the accused and to consult with him/her the main defence line.¹²⁶ The attorney can give up the defence, if it becomes impossible for him/her to meet his/her obligations for reasons independent of his/her will. In this case the attorney notifies immediately the defendant and the respective criminal justice body.¹²⁷</p> <p>b) There are no rules as to how the information is provided to defendants in relation to their communication with their legal counsels.</p> <p>c) There are no rules as to the timeframe for the provision of information to defendants in relation to their communication with their legal counsels.</p>

¹²⁴ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 55, Par. (1), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹²⁵ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 99, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹²⁶ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 99, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹²⁷ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 95, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

1.2	Do authorities provide information about any other procedural rights (apart from those established in Article 3 of the Directive)? If yes, briefly provide information.	In addition to the rights listed in Article 3 of the Directive, authorities are obliged to provide the accused with information about the following procedural rights: to get acquainted with the case, including the information obtained by special investigative means; to present evidence; to take part in the proceedings; to make motions; to speak last; and to challenge the acts, infringing upon his/her rights and lawful interests. ¹²⁸
2.	LETTER OF RIGHTS¹²⁹	Brief Description
2.1	What rights does the letter of rights provide information about? What information is included in the letter of rights when children are arrested or detained?	In Bulgaria, there are two types of detention. Preventive detention is imposed on accused persons as a remand measure in the framework of criminal proceedings. ¹³⁰ Police detention is not part of criminal proceedings and is imposed on persons for whom there is information that they may have committed a crime, persons who are wanted to be detained or persons sought in relation to extradition or European arrest warrant proceedings. ¹³¹ In case of preventive detention, the accused person is informed about his/her rights together with the presentation of the decree for bringing charges against him/her. The rights are listed within the decree and no separate letter of rights is provided to the accused person. ¹³² The rights listed in the decree are: the right to know what crime he/she is accused of and based on what evidence; the right to give or not to give explanations on the accusation; the right to get acquainted with the case file including with information obtained through special investigative means; the right to make excerpts from the case file; the right to present evidence; the right to participate in the criminal proceedings; the right to make requests, remarks and objections; the right to speak last; the right to appeal the acts, which infringe upon his/her rights and lawful interests; the right to have a lawyer; and the right to interpretation and translation. ¹³³ The same information is included in the decree for bringing charges when the accused person is a child. The accused person receives a personal copy of the decree, which he/she can keep

¹²⁸ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 219, Par. (3), Item 6 in relation to Art. 55, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹²⁹ See in particular Article 4 and relevant recitals of Directive 2012/13/EU.

¹³⁰ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 63-65, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹³¹ Bulgaria, Ministry of the Interior Act (*Закон за Министерството на вътрешните работи*), 27 June 2014, Art. 72, Par. (1), Item 1 and 6, available at: <http://lex.bg/bg/laws/ldoc/2136243824>.

¹³² Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 219, Par. (3), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹³³ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 55, Par. (1) and (3), and Art. 219, Par. (3), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

		<p>throughout the proceedings.¹³⁴ According to practitioners¹³⁵, no letter of rights are provided to the accused person due to the general principle of Bulgarian criminal procedure that proceedings are conducted orally.¹³⁶</p> <p>In case of police detention, the written detention order and the accompanying declaration signed by the detained person serve the function of letter of rights. The rights listed in the order are: the right to appeal against the detention before a court; the right to have a lawyer; the right to medical aid; the right to make a telephone call to inform about his/her detention; the right to contact the respective consulate if the person is not a Bulgarian citizen; and the right to be assisted by an interpreter if the person does not understand Bulgarian.¹³⁷ A copy of the detention order is given to the detainee and he/she can keep it throughout the period of his/her detention.¹³⁸</p> <p>According to practitioners, Bulgaria has not fully transposed the relevant provisions of EU law concerning the letter of rights.¹³⁹</p>
2.2	At what stage of the proceedings is the letter of rights provided? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.	<p>The decree for bringing charges is presented to the accused when enough evidence is gathered about his/her guilt of committing the crime.¹⁴⁰ The presentation of the decree precedes the questioning of the accused.¹⁴¹</p> <p>The police detention order is provided at the moment of the arrest.¹⁴²</p>
2.3	Is the letter of rights drafted in simple and accessible	The decree for bringing charges lists the rights of the accused person using the same language as in the law. When the decree is presented to the accused, he/she and his/her lawyer are given the opportunity to read it and, if necessary, the authority gives additional

¹³⁴ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 219, Par. (4), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹³⁵ Bulgaria, prosecutor from Analytical Unit of the Supreme Prosecutor's Office of Cassation.

¹³⁶ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 19, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹³⁷ Bulgaria, Ministry of the Interior Act (*Закон за Министерството на вътрешните работи*), 27 June 2014, Art. 74, Par. (2), available at: <http://lex.bg/bg/laws/ldoc/2136243824>; Bulgaria, representative from the National Legal Aid Bureau.

¹³⁸ Bulgaria, Ministry of the Interior Act (*Закон за Министерството на вътрешните работи*), 27 June 2014, Art. 74, Par. (6), available at: <http://lex.bg/bg/laws/ldoc/2136243824>.

¹³⁹ Bulgaria, judge at the Sofia City Court.

¹⁴⁰ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 219, available at <http://lex.bg/bg/laws/ldoc/2135512224>; Bulgaria, judge at the Sofia City Court.

¹⁴¹ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 221, available at <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁴² Bulgaria, Ministry of the Interior Act (*Закон за Министерството на вътрешните работи*), 27 June 2014, Art. 74, Par. (6), available at: <http://lex.bg/bg/laws/ldoc/2136243824>; Bulgaria, judge at the Sofia City Court; Bulgaria, representative of the National Legal Aid Bureau.

	language? How do competent authorities verify whether the language is simple and accessible enough for the suspects or accused persons and/or that the suspects or accused persons understand the language? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.	clarifications. ¹⁴³ The authorities verify whether the accused understands the language by asking him/her expressly and by asking additional questions to check understanding. ¹⁴⁴ In case of police detention, the detained person signs a written declaration certifying that he/she is acquainted with their rights and declaring which of these rights he/she intends to use. The declaration follows a template annexed to an instruction by the Ministry of the Interior (MOI) (<i>Министерство на вътрешните работи</i> , МВР) and the rights are listed in simple and accessible language. ¹⁴⁵ If the detainee has literacy problems or is not capable of completing the declaration, he/she dictates his/her answers to a police officer who fills in the document in the presence of a certifying witness. The latter also signs the declaration to certify its authenticity. ¹⁴⁶
3.	RIGHT TO INFORMATION ABOUT THE ACCUSATION¹⁴⁷	Brief Description
3.1	What information is provided to the suspects or accused persons regarding what they	The decree for bringing charges presented to the accused includes information about the act, for which the person is charged, its legal classification and, if that would not hamper the investigation, the supporting evidence. ¹⁴⁸ The indictment, by which the case is brought to

¹⁴³ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 219, Par. (4), available at: <http://lex.bg/bg/laws/l/doc/2135512224>.

¹⁴⁴ Bulgaria, judge at the Sofia City Court.

¹⁴⁵ Bulgaria, Instruction No 8121з-78 of 24 January 2015 on the order of conducting detention, the equipment of premises for placing detainees and the order in them in the Ministry of the Interior (*Инструкция № 8121з-78 от 24 януари 2015 г. за реда за осъществяване на задържане, оборудването на помещенията за настаняване на задържани лица и реда в тях в Министерството на вътрешните работи*), 3 February 2015, available at: www.lex.bg/bg/mobile/l/doc/2136426770; Bulgaria, representative of the National Legal Aid Bureau.

¹⁴⁶ Bulgaria, Instruction No 8121з-78 of 24 January 2015 on the order of conducting detention, the equipment of premises for placing detainees and the order in them in the Ministry of the Interior (*Инструкция № 8121з-78 от 24 януари 2015 г. за реда за осъществяване на задържане, оборудването на помещенията за настаняване на задържани лица и реда в тях в Министерството на вътрешните работи*), 3 February 2015, Art. 15, Par (3), available at: www.lex.bg/bg/mobile/l/doc/2136426770.

¹⁴⁷ See in particular Article 6 and relevant recitals of Directive 2012/13/EU.

¹⁴⁸ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 219, available at <http://lex.bg/bg/laws/l/doc/2135512224>; Bulgaria, judge at the Sofia City Court.

	have been accused of and how is it provided (e.g. orally or in writing)	court, includes information about the committed crime, the time, place and manner of the crime, the victim, the amount of damages, the circumstances aggravating or alleviating the guilt, and the evidence. ¹⁴⁹ All information about the accusation is provided in writing. Police detention orders provide information about the factual and legal grounds for the detention. ¹⁵⁰
3.2	At which stage of the proceedings is the information provided? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.	The decree for bringing charges is presented to the accused when enough evidence is gathered about his/her guilt of committing the crime. ¹⁵¹ The presentation of the decree precedes the questioning of the accused. ¹⁵² The indictment is drafted after the closing of the investigation ¹⁵³ and is sent to the defendant at least seven days before the court hearing. ¹⁵⁴ The police detention order is provided at the moment of the arrest. ¹⁵⁵
3.3	How are suspects or accused persons informed when, in the course of the criminal proceedings, the details of the accusation change?	At the pre-trial stage, if the details of the accusation change a new decree for bringing charges is presented to the accused person. According to the law, this rule applies when a legal provision for a graver crime has to be applied, when the facts of the case have changed significantly, or when new crimes or new persons have to be added to the case. ¹⁵⁶ During the trial, the prosecutor can change the details of the accusation during the court hearing in the presence of the defendant. In this case, the defendant can ask for the hearing to be postponed so that he/she can get acquainted with the new accusation. ¹⁵⁷

¹⁴⁹ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 246, available at <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁵⁰ Bulgaria, Ministry of the Interior Act (*Закон за Министерството на вътрешните работи*), 27 June 2014, Art. 74, available at <http://lex.bg/bg/laws/ldoc/2136243824>; Bulgaria, judge at the Sofia City Court.

¹⁵¹ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 219, available at <http://lex.bg/bg/laws/ldoc/2135512224>; Bulgaria, judge at the Sofia City Court.

¹⁵² Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 221, available at <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁵³ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 242, available at <http://lex.bg/bg/laws/ldoc/2135512224>

¹⁵⁴ Bulgaria, judge at the Sofia City Court.

¹⁵⁵ Bulgaria, Ministry of the Interior Act (*Закон за Министерството на вътрешните работи*), 27 June 2014, Art. 74, Par. (6), available at: <http://lex.bg/bg/laws/ldoc/2136243824>; Bulgaria, judge at the Sofia City Court; Bulgaria, representative of the National Legal Aid Bureau.

¹⁵⁶ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 225, available at <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁵⁷ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 287, available at <http://lex.bg/bg/laws/ldoc/2135512224>.

4.	RIGHT OF ACCESS TO CASE MATERIALS ¹⁵⁸	Brief Description
4.1	What material evidence can be accessed by suspected or accused persons (e.g. documents, photographs, audio, video, summaries...)?	The accused is entitled to get acquainted with the entire case file, including the information obtained by special investigative means. ¹⁵⁹
4.2	At what stage of the proceedings is access to case materials granted? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.	At the pre-trial stage, the investigative body presents the entire investigative file to the accused after the completion of the investigation. ¹⁶⁰
4.3	Under what circumstances is access to material refused? Who takes the decision of refusal?	Access to material cannot be refused, apart from the limitations, related to questioning of witnesses of secret identity or of undercover officers. ¹⁶¹ The decision is taken by the investigative authorities at the pre-trial stage and by the court during the trial. When a witness of secret identity or an undercover officer is questioned the accused person has access to their testimonies but is not informed about their identity. The secret identity of witnesses is part of their protection and can be revealed only upon their own request or when the competent authority decides that their protection is no longer needed. ¹⁶² The identity of undercover officers can be revealed only to the prosecutor and the court and only if this will not endanger the life and health of the officer or his/her close ones. ¹⁶³ The law does not provide for revealing the identity of secret witnesses or undercover officers upon request of the accused person.

¹⁵⁸ See in particular Article 7 and relevant recitals of Directive 2012/13/EU.

¹⁵⁹ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 55, Par. (1), available at <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁶⁰ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 227, Par. (8), available at <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁶¹ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 141 and 141a, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁶² Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 123, Par. (6), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁶³ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 123a, Par. (3), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

5.	CROSS-CUTTING ISSUES: LANGUAGES, COMPLAINT MECHANISMS, RECORDING & SPECIAL MEASURES¹⁶⁴	Brief Description
5.1	In which languages can information be provided for the following?	
	a) information on procedural rights	All proceedings are conducted in Bulgarian. If the accused does not speak or understand Bulgarian, an interpreter or translator is appointed. ¹⁶⁵ The decree for bringing charges, which lists the procedural rights of the accused, is always fully translated in writing in a language the accused understands. ¹⁶⁶
	b) letter of rights	The documents, serving the function of letter of rights (decrees for bringing charges and police detention orders), are provided in Bulgarian. If the person does not speak or understand Bulgarian, an interpreter or translator is appointed. The decree for bringing charges is always fully translated in writing in a language the accused understands. ¹⁶⁷
	c) information about the accusation	All proceedings are conducted in Bulgarian. If the accused does not speak or understand Bulgarian, an interpreter or translator is appointed. ¹⁶⁸ The decree for bringing charges, which includes information about the accusation, is always fully translated in writing in a language the accused understands. ¹⁶⁹

¹⁶⁴ See in particular Articles 3 - 8 and relevant recitals of Directive 2012/13/EU.

¹⁶⁵ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 21, available at: <http://lex.bg/bg/laws/ldoc/2135512224>; Bulgaria, judge at the Sofia City Court.

¹⁶⁶ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 55, Par. (3) and Art. 395a, Par. (2), available at: <http://lex.bg/bg/laws/ldoc/2135512224>; Bulgaria, judge at the Sofia City Court.

¹⁶⁷ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 55, Par. (3) and Art. 395a, Par. (2), available at: <http://lex.bg/bg/laws/ldoc/2135512224>; Bulgaria, judge at the Sofia City Court.

¹⁶⁸ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 21, available at: <http://lex.bg/bg/laws/ldoc/2135512224>; Bulgaria, judge at the Sofia City Court.

¹⁶⁹ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 55, Par. (3) and Art. 395a, Par. (2), available at: <http://lex.bg/bg/laws/ldoc/2135512224>; Bulgaria, judge at the Sofia City Court.

	d) case materials	All proceedings are conducted in Bulgarian. If the accused does not speak or understand Bulgarian, an interpreter or translator is appointed. ¹⁷⁰ Case materials, different from the ones for which translation is mandatory, can be translated into a language the accused understands when they are considered essential for the exercise of the right of defence. The decision for the provision of such translation is made by the investigative bodies or by the court upon their own initiative or upon a written request by the accused or his/her lawyer. ¹⁷¹		
		Yes	No	Brief Description
5.2	Is there any procedure to ensure that suspects or accused persons have the right to challenge the failure or refusal to provide information on the following? If yes, briefly describe the procedure where relevant.			
	a) information on procedural rights	x		The accused can challenge all acts that infringe upon his/her rights and lawful interests. ¹⁷² If the decree for bringing charges does not list the rights of the accused person, the accused person can appeal before the prosecutor in charge of the case. ¹⁷³ The decision of the prosecutor in charge of the case can be appealed before the superior prosecutor. ¹⁷⁴ Further appeal is not possible. ¹⁷⁵
	b) letter of rights		x	There are no letter of rights in Bulgarian criminal proceedings. The information about the rights of the accused is included in other documents.
	c) information about the accusation	x		The accused can challenge all acts that infringe upon his/her rights and lawful interests. ¹⁷⁶ If the decree for bringing charges does not list the rights of the accused person, the accused person can appeal before the prosecutor in charge of the case. ¹⁷⁷

¹⁷⁰ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 21, available at: <http://lex.bg/bg/laws/ldoc/2135512224>; Bulgaria, judge at the Sofia City Court.

¹⁷¹ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 395a, Par. (2), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁷² Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 55, Par. (1), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁷³ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 200, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁷⁴ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 200, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁷⁵ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 200, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁷⁶ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 55, Par. (1), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁷⁷ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 200, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

				The decision of the prosecutor in charge of the case can be appealed before the superior prosecutor. ¹⁷⁸ Further appeal is not possible. ¹⁷⁹
	d) access to case materials	x		The accused can challenge all acts that infringe upon his/her rights and lawful interests. ¹⁸⁰ If the decree for bringing charges does not list the rights of the accused person, the accused person can appeal before the prosecutor in charge of the case. ¹⁸¹ The decision of the prosecutor in charge of the case can be appealed before the superior prosecutor. ¹⁸² Further appeal is not possible. ¹⁸³
5.3	Is any official record kept to note the provision of information about the following? If yes, briefly describe where relevant.			
	a) information on procedural rights	x		The information on procedural rights is included in the decree for bringing charges against the accused. The decree is presented to the accused and a copy of it is given to him/her. The accused certifies the receipt of the copy by his/her signature. ¹⁸⁴ In practice, the decree includes a section listing the procedural rights of the accused, which the accused has to read and sign. This document is enclosed to the case file and serves as official record for the provision of the information.
	b) letter of rights		x	There are no letter of rights in Bulgarian criminal proceedings. The information about the rights of the accused is included in other documents.
	c) information about the accusation	x		The information about the accusation is included in the decree for bringing charges against the accused. The decree is presented to the accused and a copy of it is given to him/her. The accused certifies the receipt of the copy by his/her signature. ¹⁸⁵ In practice, the decree includes a section listing the procedural rights of the accused, which the accused has to read and sign. This document is enclosed to the case file and serves as official record for the provision of the information.

¹⁷⁸ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 200, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁷⁹ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 200, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁸⁰ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 55, Par. (1), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁸¹ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 200, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁸² Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 200, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁸³ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 200, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁸⁴ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 219, Par. (4), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁸⁵ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 219, Par. (4), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

	d) access to case materials	x		Access to all case materials is provided after the closing of the investigation when the entire case file is presented to the accused. The presentation of the investigation is certified in written records signed by all the persons present at the presentation, including the accused. ¹⁸⁶
5.4	<p>Are there special procedures designed to take into account the special needs of vulnerable suspects or vulnerable accused persons (e.g. because of any physical impairments which affect their ability to communicate effectively (persons with hearing, sight or speech impediments), intellectual disabilities or in case of children and the holder of parental responsibility) in relation to:</p> <p>a) suspect or accused persons with physical impairment or disability;</p> <p>b) suspect or accused persons intellectual impairment or disability;</p> <p>c) suspect or accused children who are suspects/defendants and/or the holder of parental responsibility.</p>			

¹⁸⁶ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 236, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

	If yes, briefly provide information on those mechanisms in relation to each of the listed vulnerable groups. Is this information in simple and accessible language?			
• information on procedural rights	a)	x		If the accused has hearing or speaking disability, a sign interpreter is appointed. ¹⁸⁷ If the accused has physical impairment or disability, which prevents him/her from exercising his/her right of defence alone, the participation of defence counsel is mandatory. ¹⁸⁸
	b)	x		If the accused has intellectual impairment or disability, which prevents him/her from exercising his/her right of defence alone, the participation of defence counsel is mandatory. ¹⁸⁹
	c)	x		Children under 14 years of age are not criminally liable and cannot participate in criminal proceedings as accused persons. There are special rules for proceedings against defendants between 14 and 18 years of age. The investigations of such cases is done by specially trained authorities. ¹⁹⁰ If needed, a specialist of educational or psychological background takes part in the questioning and can pose questions with the permission of the investigators. He/she may check the content of the questioning records and make remarks in terms of its correctness and comprehensiveness. ¹⁹¹ The child's parents or guardians are notified about the serving of the investigative file and may be present if they so wish. ¹⁹² Parents and guardians are always summoned during trial and are allowed to take part in the collection and verification of evidence. ¹⁹³
• letter of rights	a)		x	There are no letter of rights in Bulgarian criminal proceedings. The information about the rights of the accused is included in other documents.

¹⁸⁷ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 395з, Par. (1), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁸⁸ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 94, Par. (1), Item 2, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁸⁹ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 94, Par. (1), Item 2, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁹⁰ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 385, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁹¹ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 388, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁹² Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 389, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁹³ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 392, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

		b)	x	There are no letter of rights in Bulgarian criminal proceedings. The information about the rights of the accused is included in other documents.
		c)	x	There are no letter of rights in Bulgarian criminal proceedings. The information about the rights of the accused is included in other documents.
• information about the accusation	a)	x		If the accused has hearing or speaking disability, a sign interpreter is appointed. ¹⁹⁴ If the accused has physical impairment or disability, which prevents him/her from exercising his/her right of defence alone, the participation of defence counsel is mandatory. ¹⁹⁵
	b)			If the accused has intellectual impairment or disability, which prevents him/her from exercising his/her right of defence alone, the participation of defence counsel is mandatory. ¹⁹⁶
	c)	x		Children under 14 years of age are not criminally liable and cannot participate in criminal proceedings as accused persons. There are special rules for proceedings against defendants between 14 and 18 years of age. The investigations of such cases is done by specially trained authorities. ¹⁹⁷ If needed, a specialist of educational or psychological background takes part in the questioning and can pose questions with the permission of the investigators. He/she may check the content of the questioning records and make remarks in terms of its correctness and comprehensiveness. ¹⁹⁸ The child's parents or guardians are notified about the serving of the investigative file and may be present if they so wish. ¹⁹⁹ Parents and guardians are always summoned during trial and are allowed to take part in the collection and verification of evidence. ²⁰⁰
• access to case materials	a)	x		If the accused has hearing or speaking disability, a sign interpreter is appointed. ²⁰¹ If the accused has physical impairment or disability, which prevents him/her from exercising his/her right of defence alone, the participation of defence counsel is mandatory. ²⁰²

¹⁹⁴ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 395з, Par. (1), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁹⁵ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 94, Par. (1), Item 2, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁹⁶ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 94, Par. (1), Item 2, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁹⁷ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 385, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁹⁸ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 388, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

¹⁹⁹ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 389, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

²⁰⁰ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 392, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

²⁰¹ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 395з, Par. (1), available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

²⁰² Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 94, Par. (1), Item 2, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

	b)	x	If the accused has intellectual impairment or disability, which prevents him/her from exercising his/her right of defence alone, the participation of defence counsel is mandatory. ²⁰³
	c)	x	Children under 14 years of age are not criminally liable and cannot participate in criminal proceedings as accused persons. There are special rules for proceedings against defendants between 14 and 18 years of age. The investigations of such cases is done by specially trained authorities. ²⁰⁴ If needed, a specialist of educational or psychological background takes part in the questioning and can pose questions with the permission of the investigators. He/she may check the content of the questioning records and make remarks in terms of its correctness and comprehensiveness. ²⁰⁵ The child's parents or guardians are notified about the serving of the investigative file and may be present if they so wish. ²⁰⁶ Parents and guardians are always summoned during trial and are allowed to take part in the collection and verification of evidence. ²⁰⁷

²⁰³ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 94, Par. (1), Item 2, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

²⁰⁴ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 385, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

²⁰⁵ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 388, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

²⁰⁶ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 389, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.

²⁰⁷ Bulgaria, Criminal Procedure Code (*Наказателно-процесуален кодекс*), 28 October 2005, Art. 392, available at: <http://lex.bg/bg/laws/ldoc/2135512224>.