



Updated on: 9 November 2015

## The Judicial Officer in the World

### BULGARIA

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

#### Presentation

##### Generalities

Approx. 163 judicial officer are appointed within approx. 156 offices. They work together with approx. 180 trainees or assistants and approx. 1 000 staff.  
These 163 judicial officers are liberal.  
There are also 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 or equivalent (Master 2 or equivalent).  
There is an initial training for the future judicial officers.  
This training is normally compulsory. Duration: up to one year.  
An ongoing training is available for the judicial officers.  
This training is not yet compulsory but should be in the future.

###### Ongoing training for the staff of judicial officers

Ongoing training courses are available for the staff of judicial officers.

##### The exercise of the profession

Under exception, a professional exam is necessary to exert the profession of judicial officer.  
The judicial officers are appointed by the Ministry of Justice.  
There is a limited number of judicial officers.  
A judicial officer can exert his activities within a structure including another or several other judicial officers.  
Under a few exceptions, all the judicial officers exert individually.

The profession is represented at national level by:

- Bulgarian Chamber of Private Enforcement Agents.
- National Association of State Judicial Officers



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## **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 and/or deontological rules
- 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.
- 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.



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- Forced public auction sale of tangible movable goods.
- Forced public auction sale of intangible movable goods.
- Forced public auction sale of immovable.
- Forced auction sale of businesses attached by the judicial officer.
- 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 Sale**

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

### **Debt collection**

Judicial officer can exert the activity of debt collecting.

### **Statements of facts**

The judicial officer can carry out statements of facts when required by a natural or a legal person and/or on request of a Judge.

### **Sequestration of goods**

The judicial officer can exert the activity of sequestration of goods.

### **Legal advice**

The judicial officer cannot give legal advice.



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### **Bankruptcy Proceedings**

The judicial officer can exert a professional activity in the field of bankruptcy procedures.

### **Missions entrusted to the judicial officer by a judge**

A judge can appoint a judicial officer to carry out a specific mission.

### **Mediation**

The judicial officer cannot exert the activity of mediation.

### **Representation of parties in the court**

The judicial officer cannot represent parties in the court.

### **Drawing up of private deeds and documents**

The judicial officer can draw up private deeds and documents for natural and legal persons.

### **Court service**

The judicial officer is not in charge of the court service.

### **Real estate management**

The judicial officer cannot exert the activity of real estate agent.