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## **FUNCTIONS, RIGHTS AND OBLIGATIONS OF THE „EXPERT COUNCIL“ OF THE PROSECUTOR GENERAL OF THE REPUBLIC OF BULGARIA**

**Summary.** *The main functions and powers of the Bulgarian Prosecutor's Office are regulated in the Constitution of the Republic of Bulgaria (CRB), the Judicial Systems Act (JSA), the Criminal Procedure Code (CPC), as well as other laws imposing obligations on prosecutors in the field of law enforcement.*

**Key words:** *Functions, Rights, Obligations, Bulgarian Prosecutor's Office, Expert Council, Prosecutor General.*

Counteraction the corruption crimes has always been among the main priorities in the activity of the Prosecutor's Office of the Republic of Bulgaria. Insofar as the notion of corruption covers not only the acts of active or passive bribery and trading in influence, incriminated in Section IV, Chapter VIII of the Special Part of the Criminal Code, a Unified Catalog of Corruption Crimes was introduced in 2014 by order of the Prosecutor General, involving other offenses in which an official abuses, possibly against payment, with his official position for his own or another's benefit [1].

In this regard, in the last 2 years, a number of criminal proceedings have been initiated and are being conducted against some of the richest Bulgarians, who have exceptional financial and economic resources through which they can actively participate in corrupt practices. Such actions are unprecedented in scale for the last 30 years, and the actions of the Prosecutor's Office in this direction continue with high intensity [2-3].

### **The Expert Council of the Prosecutor General of the Republic of Bulgaria**

The Expert Council of the Prosecutor General of the Republic of Bulgaria was established in order to exercise the constitutional powers of the Prosecutor General of the Republic of Bulgaria under Article 126, paragraph 2 of the Constitution of the Republic of Bulgaria for methodological guidance on the activities of all prosecutors. It consists of representatives of the scientific community with high-level of expertise in the field of law and prominent law enforcement specialists with proven professional experience and authority.

The Council is not a college and the tasks of its members are assigned separately, depending on the specific profile of the respective expert [4].

The experts of the Council shall provide opinions, consult or participate in the preparation of:

- Draft requests of the Prosecutor General to the Constitutional Court;
- Draft opinions on constitutional cases to which the Prosecutor General is a party;

- Draft requests of the Prosecutor General for adoption of interpretative decisions to the Supreme Court of Cassation and the Supreme Administrative Court and of opinions of the Prosecutor General to the Supreme Court of Cassation and the Supreme Administrative Court on interpretative cases;
- Drafts of normative acts sent to the Prosecutor General for approval or opinion;
- Drafts of methodical instructions, rules and other internal acts;
- Drafts of interdepartmental instructions and agreements for interaction in exercising the powers of the Prosecutor's Office of the Republic of Bulgaria (PORB);
- Analyzes of the important for the administration of justice practice of the courts and prosecutor's offices on the application of the law;
- Analyzes of the case law on general or specific issues related to the application of the law;
- Analyzes of the case law of the European Court of Human Rights and the Court of Justice of the European Union on matters of principle or specific;
- Scientific analyzes related to the activity of the PORB, as well as drafts of methodologies for the practical application of the achieved scientific results;
- Lecture materials, manuals, collections and information publications for raising the qualification of prosecutors, investigators and court employees;
- Other issues that require expert opinions or consultations in view of their significance for the work of the PORB and for the proper implementation of the law /outside the management and supervision of specific files and pre-trial proceedings/.

**Conclusion.** As can be seen from the above, the Council has a central role in preparing expert proposals for legislative changes. They are based on the Prosecution endeavour to ensure better efficiency and speed of investigation.

This is one of the recommendations in the Independent Analysis of the Structural and Functional Model of the Prosecutor's Office, in which the inspection team urges the Bulgarian authorities to consider the advice constructively and creatively in order to seek solutions to improve the system.

Since the current Prosecutor General, the first Prosecutor General from the Prosecution system is aware of the need for legislative changes and interpretative decisions that ensure a uniform standard in resolving cases. It is necessary to unify the practice between the Prosecution and the Court, in order to ensure effective criminal proceedings and fair sentences.

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