

# **REPORT ON THE INTERNSHIP AT**

## **THE SUPREME ADMINISTRATIVE COURT OF BULGARIA**

### **UNDER THE IASAJ JUDGE EXCHANGE PROGRAM**

Through selection by the International Association of Supreme Administrative Jurisdictions (IASAJ), I participated in the 2025 IASAJ Judge Exchange Program, visiting the Supreme Administrative Court of Bulgaria as an intern judge from October 2 to 14, 2025. I am the first intern judge hosted by the Supreme Administrative Court of Bulgaria under the exchange program. While Bulgarian is the official language of Bulgaria, English is also accepted as working language for the Supreme Administrative Court of Bulgaria. I communicated in English during the internship. The internship study is now reported as follows:

#### **I. Institutions Visited**

As arranged by the Supreme Administrative Court of Bulgaria, I visited various institutions during the internship, including the Supreme Administrative Court, the National Assembly, the Ministry of Justice, the National Institute of Justice, the Administrative Court of Sofia City, the Administrative Court of Plovdiv, the Faculty of Law at the Sofia University, the Faculty of Law at the Paisii Hilendarski University of Plovdiv, etc.

#### **II. The Judicial System of Bulgaria**

Pursuant to the Constitution of the Republic of Bulgaria and the Judiciary System Act of the Republic of Bulgaria, Bulgaria's judiciary comprises three branches: the courts, the prosecution offices, and the investigation services.

The courts are state bodies that administer justice in civil, criminal and administrative cases, divided into ordinary courts which hear civil and criminal cases, and administrative courts which hear administrative cases. Ordinary courts include 113 district courts, 28 regional courts<sup>1</sup>, 3 military courts, 5 courts of appeal, 1 military court of appeal, and the Supreme Court of Cassation. Administrative courts include 28 administrative courts and the Supreme Administrative Court.

Within the ordinary courts system, civil and criminal cases follow the judicial proceedings of three instances: first instance, intermediate appellate, and cassation. District courts and regional courts may serve as courts of first instance; regional courts and courts of appeal serve as courts of second instance; and the Supreme Court of Cassation serve as the court of third instance. Ordinary cases concerning family, labor, and maintenance disputes, civil and commercial cases with value of the claim below 50,000 lev<sup>2</sup> ( $\approx$ 25,000 euros), and ordinary criminal cases fall within the jurisdiction of district courts of first instance. Civil and commercial cases with value of the claim

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<sup>1</sup> Since 1999, the Republic of Bulgaria is administratively divided into 28 districts.

<sup>2</sup> The Bulgarian lev is an official national currency and used only in Bulgaria. 1 lev equals around 0.51 euro/ 4.2 yuan. On July 8, 2025, the Council of the European Union formally approved the accession of Bulgaria to the euro area on 1 January 2026.

exceeding 50,000 lev and ordinary criminal cases specified by law fall within the jurisdiction of regional courts of first instance. The Supreme Court of Cassation exercise supreme judicial oversight as to the precise and equal application of the law by all courts.

Within the administrative courts system, administrative cases follow the judicial proceedings of two instances. The 28 administrative courts<sup>3</sup> generally serve as first-instance court, and the Supreme Administrative Court serve as second-instance court. However, an exception applies to administrative cases in which the facts are clear with minor legal disputes, such as cases concerning agricultural administration, administrative penalties, and others. To facilitate actions for affected parties in such circumstances, district courts within the ordinary courts system that hear civil and criminal cases serve as the court of first instance, with 28 administrative courts serving as the court of second instance. Administrative cases include actions seeking to have administrative acts issued, modified, overturned or annulled. Actions seeking compensation for damages resulting from any unlawful act, action or omission by administrative authorities and officials are also considered administrative cases.

The Prosecution Offices exercise supervision, representing the state in criminal prosecutions and safeguarding public interests in civil and administrative cases. The Prosecution Offices consist of 36 district prosecution offices, 28 district prosecution offices, 3 military prosecution offices, 5 appellate prosecution offices, 1 military appellate prosecution office, and the Supreme Prosecution Office. The Prosecutor General heads the Supreme Prosecution Office. The structure of the prosecution offices corresponds to that of the ordinary courts, yet there is not a one-to-one match between 36 district prosecution offices and 113 district courts.

The Investigation service collaborate with the police and other authorities, conducting investigation of criminal cases where it is prescribed by the law. The investigation service include 28 regional investigation services at the 28 regional prosecution offices, and the National Investigation Service at the Supreme Prosecution Office.

In the event of conflicting legal interpretation of courts at a lower level, the general assembly of judges of the Supreme Court of Cassation or the Supreme Administrative Court would deliver an interpretative judgement for conformity. In case of conflicting legal interpretation between the Supreme Court of Cassation and the Supreme Administrative Court, a joint interpretative decree adopted at joint general assembly of judges would be issued. The President of the Supreme Court of Cassation, the President of the Supreme Administrative Court, the Prosecutor General, the Minister of Justice, the Chairperson of the Supreme Bar Council, the Council of Ministers, a minister and etc, may request the adoption of an interpretative judgement or of an interpretative decree. Interpretative judgements and interpretative decrees are binding on the judicial and executive authorities, on the local self-government bodies, as well as on all bodies issuing administrative acts.

The Supreme Judicial Council serves as the highest governing body of Bulgaria's judiciary, responsible for managing the judicial system. The Supreme Judicial Council

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<sup>3</sup> The 28 administrative courts correspond to the 28 districts.

functions independently of the Ministry of Justice, which is not part of the judiciary. The Council consist of 25 members, including the President of the Supreme Court of Cassation, the President of the Supreme Administrative Court, the Prosecutor General, senior judges and prosecutors (jurists with high professional and moral qualities, having a legal experience of at least fifteen years, of which not less than five years as a judge, prosecutor, investigator or irremovable academic of law). The Supreme Judicial Council represents the entire judiciary externally, determining the composition and organization of the judiciary (e.g., to appoint, promote, demote, transfer, and release judges, prosecutors and investigators), and provides financial and technical support without interference with the operation of the judiciary. Meanwhile, the National Assembly establishes an independent inspectorate to the Supreme Judicial Council to oversee its activities, without compromising the Council's independence. The Inspectorate is composed of a Inspector General and ten inspectors. The Inspector General is elected by the National Assembly by a majority of two-thirds of the members for a term of five years. The inspectors are also elected by the National Assembly by a majority of two-thirds of the members, for a term of four years.

Additionally, the Supreme Judicial Council and the Ministry of Justice jointly establish the National Institute of Justice, which is Bulgaria's sole public institution responsible for judicial professional training and enhancing the quality of the judiciary, with the motto "Knowledge grows with us." It is led by a Management Board whose members include the President of the Supreme Court of Cassation, the President of the Supreme Administrative Court, the Prosecutor General, the Minister of Justice, 2 representatives from the Supreme Judicial Council, 1 representative of the judges, 1 representative of the prosecutors, and 1 representative from the Ministry of Justice. The President of the Supreme Court of Cassation is also the Director of the Management Board. The Institute maintains a Program Board that advises on the development and expansion of training programs, and training capacity enhancement. The board consists of distinguished representatives from both academic and professional circles, including representatives from the Supreme Court of Cassation, the Supreme Administrative Court, the Supreme Prosecution Office, and the Ministry of Justice. The core objective of the Institute's training programs is to enhance the effective performance of judges, prosecutors, and investigators. The trainings primarily include: (a) mandatory initial training for candidates for judges, prosecutors, and investigators, with the objective of supplying competent and qualified personnel to the judiciary. Training modules cover principles of the rule of law, judicial ethics and integrity, professional conduct inside and outside the judiciary, and the role of judges, prosecutors, and investigators; (b) mandatory induction training for newly appointed judges, prosecutors, and investigators, designed to equip them with the competencies required to fulfill their duties; (c) in-service training for judges, prosecutors, investigators, and other judicial personnel.

It should also be noted that the Bulgarian Constitutional Court is not part of the judiciary. The National Assembly established the Constitutional Court on July 12, 1991. As an independent institution, the Constitutional Court is responsible for constitutional review, ensuring the primacy of the Constitution over laws enacted by the National

Assembly and presidential decrees. The Constitutional Court has no authority over the rulings of the Supreme Court of Cassation or the Supreme Administrative Court. It consists of 12 judges serving nine-year terms, 4 of whom are elected by the National Assembly, 4 by the plenum of the Supreme Court of Cassation, and 4 by the plenum of the Supreme Administrative Court.

### **III. Organization of Administrative Courts**

The current Constitution of the Republic of Bulgaria was adopted on July 12, 1991, and has taken effect on following day upon its promulgation. It stipulates the establishment of the Supreme Administrative Court. In 1994, following the adoption of the Judiciary System Act by the XXXVI National Assembly, the Supreme Administrative Court was established as an independent judicial body. The Supreme Administrative Court resumed its judicial functions in 1996. On December 9, 1997, the XXXVIII National Assembly adopted the Supreme Administrative Court Act. The structure, composition, and organization of the Supreme Administrative Court are regulated by the Judiciary System Act. The Supreme Administrative Court exercises supreme judicial oversight as to the precise and equal application of the law in administrative justice, ruling on all challenges to the legality of acts of the Council of Ministers and the ministers, and any other acts envisaged by the law.

The Supreme Administrative Court is headed by a President and 2 Vice Presidents. The President is elected by the Supreme Judicial Council. Following the election of a candidate for President, the President of Bulgaria appoints the candidate by signing a decree upon the appointment proposal by the Plenary of the Supreme Judicial Council for a term of seven years. The President heads the overall operation of the Supreme Administrative Court, directing not only the 2 Vice Presidents but also 3 departments: (a) The General Secretariat that manages administrative affairs such as finance and information services. The Secretary General and other staff are appointed and dismissed by the President. (b) The President's Office responsible for human resources, public relations, and related matters. (c) The Legal Interpretation and Analysis Panel that studies divergences in legal application within judicial practice and proposes solutions, consisting of judges and judicial assistants.

There are currently 106 judges and 8 divisions each headed by a chairperson in the Supreme Administrative Court. The 8 divisions are grouped into 2 colleges, each managed by a Vice President. The composition of the First College includes the First, Third, Fourth and Eighth Divisions. The First Division hears administrative cases concerning taxation, customs duties, and related matters. The Third Division hears administrative cases concerning state assets, municipal property, administrative actions by local self-government, refugees, and administrative compensation for nationalized property. The Fourth Division hears administrative cases related to public procurement, tendering, elections for members of the National Assembly, elections for the President and Vice President of the Republic, and local elections. The Eighth Division hears administrative cases concerning taxation, customs duties, and related matters. The Second College comprises the Second, Fifth, Sixth, and Seventh Divisions. The Second Division hears administrative cases concerning spatial planning, cadastral and property registration, construction, and government investments. The Fifth Division hears

administrative cases concerning the dismissal of civil servants and military personnel, environmental protection, personal data protection, gambling, currency law, and fiscal audits. The Sixth Division hears administrative cases concerning actions of the Supreme Judicial Council, social security, pensions, health insurance, social assistance, temporary incapacity and unemployment benefits, and working capacity assessments. The Seventh Division hears administrative cases concerning conflicts of interest, issuance of identity documents, regulation of electronic communications, broadcasting and television activities, road traffic, private security activities, tourism, consumer rights protection, and intellectual property protection. After a case is registered, it is first distributed according to the specialties of the eight divisions. Subsequently, cases are randomly assigned to judges of different divisions based on the time order of registration. The judge who undertakes the case becomes the report judge.

The Supreme Administrative Court also convenes a plenum attended by all judges. The main activities of the plenum are: (a) to hear statements from candidates for President and Vice President of the Supreme Administrative Court and to issue opinions on the nominations; (b) to determine the number and the composition of the Supreme Administrative Court colleges and divisions; (c) to hear statements from candidates for division chairpersons; (d) to issue opinions on proposals by the Council of Ministers and the National Assembly concerning the Supreme Administrative Court's activities; (e) to determine the Supreme Administrative Court's opinions in constitutional cases where it is a party; (f) to discuss and adopt annual report of the President on the activities of the Supreme Administrative Court.

The 28 administrative courts were established and commenced operations on March 1, 2007 as the fulfillment of Bulgaria's commitment upon joining the European Union (EU), aligning with the common practice in EU member states of separating ordinary courts from administrative courts (specialized courts). Previously, first-instance administrative cases were heard by ordinary courts responsible for civil and criminal cases, with appeals proceeding to the Supreme Administrative Court. Currently, the 28 administrative courts collectively employ 294 judges. In terms of judge numbers, the Administrative Court of Sofia City and of Plovdiv rank first and second<sup>4</sup> among the 28 administrative courts. The Administrative Court of Sofia City has 87 judges and 3 divisions. The First Division hears administrative cases concerning immigration, refugees, and similar matters. The Second Division hears cases concerning land development, planning, construction, and related issues. The Third Division hears cases concerning taxation, energy, the EU, and similar areas. The Administrative Court of Plovdiv has 27 judges and 2 divisions. The remaining 26 administrative courts have no divisions due to limited judge numbers.

Administrative cases are adjudicated by either a collegiate panel or a single judge. First-instance administrative cases are heard by a single judge, while second-instance cases are heard by a panel of 3 judges. For example, the 28 administrative courts generally serve as first-instance courts, hearing administrative cases by single judges. In exceptional circumstances, district courts within the ordinary court system that hear civil and criminal cases may serve as courts of first instance, with the 28 administrative

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<sup>4</sup> Sofia is the capital and largest city of Bulgaria, and Plovdiv is the second largest city.

courts functioning as courts of second instance. In such cases, the 28 administrative courts hear cases in collegiate panels of 3 judges. Meanwhile, during the adjudication of second-instance administrative cases, prosecutors from the related prosecution office participate in the proceedings, independently presenting opinions to safeguard the public interests in administrative cases<sup>5</sup>. Most commonly, the Supreme Administrative Court serves as the appellate court to hear administrative cases adjudicated by the 28 administrative courts as courts of first instance, each hearing with a collegiate panel of 3 judges. In exceptional circumstances, as cases are filed against demotions or dismissals of judges, prosecutors, or investigators by the Supreme Judicial Council, the Supreme Administrative Court serves as the court of first instance, hearing cases with a panel of 3 judges. In the appeal proceedings, such cases remain with the Supreme Administrative Court as the second-instance court, but heard by a different panel of 5 judges.

Pursuant to the Judiciary System Act, judges shall be Bulgarian citizens. Additional requirements include: (a) holding a university degree in law; (b) completing a judicial internship and obtaining a license to practice law; (c) having the required moral integrity and professional standing in pursuance of the Code of Ethics of Bulgarian Judges. In Bulgaria, there is no bachelor's degree for legal education. Post-graduates who complete 5 years of legal education and pass all 65 compulsory courses are awarded a master's degree. To become a judge in one of the 28 administrative courts, at least 8 years of legal practice is required; for the Supreme Administrative Court, at least 12 years of legal practice is required. The career of administrative judges typically begins as civil judges in ordinary courts, followed by service in administrative courts, and culminates in selection to the Supreme Administrative Court. When vacancies arise for presidents or vice presidents of the 28 administrative courts, judges of the Supreme Administrative Court may apply for it and be appointed by the Supreme Judicial Council. Upon completion of their term, judges may return to the Supreme Administrative Court and resume their positions as judges.

In terms of caseload, courts nationwide hear approximately 50,000 administrative cases annually at both first and second instance in total. The Supreme Administrative Court's caseload statistics for 2022-2024 are as follows: (a) in 2022, 3,612 pending, 12,324 commenced, 11,829 closed; (b) in 2023, 4,107 pending, 12,636 commenced, 13,081 closed; (c) in 2024, 3,853 pending, 12,423 commenced, 13,513 closed. In terms of timing: (a) among the 11,829 cases closed in 2022, 3,792 resolved within 1 month, 2,515 resolved within 1-3 months, and 5,522 resolved over 3 months; (b) among the 13,081 cases closed in 2023, 3,938 resolved within 1 month, 2,631 resolved within 1-3 months, and 6,512 resolved over 3 months; (c) among the 13,513 cases closed in 2024, 4,295 resolved within 1 month, 3,154 resolved within 1-3 months, and 6,064 resolved over 3 months. Based on a total of 106 judges, the Supreme Administrative Court resolved an average of 129 cases per judge in 2024.

#### **IV. Some Details about Bulgaria's Administrative Justice**

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<sup>5</sup> According to the introduction by the accompanying judge during the internship, after the implementation of relevant judicial reform measures, second-instance administrative cases filed after August 2025 no longer require the participation of prosecutors.

Bulgaria is a parliamentary republic where the National Assembly exercises legislative power. Bulgaria has a continental law system and judicial precedents are not recognized as a source of law. Sources of law include: the Constitution, rulings of the Constitutional Court, EU law, statutes enacted by the National Assembly, etc. In terms of quantity, the National Assembly has enacted over 300 statutes to date, which form the legal basis for adjudicating administrative cases.

In Bulgarian administrative litigations, the defendant is invariably an administrative authority. Administrative authorities cannot be plaintiffs. Administrative cases fall into two categories: cases challenging administrative acts, and cases seeking compensation for damages resulting from any unlawful act, action or omission by administrative authorities and officials. The two types of administrative cases differ significantly in proceedings, burden of proof, and adjudication. When reviewing the legality of the challenged administrative act or actions in administrative cases, the principle of comprehensive review is followed, unrestricted by the plaintiff's claims. For example, the court will conduct a comprehensive review of the challenged act or action and adjudicate in accordance with the law regardless of the plaintiff's claims to have administrative acts modified, overturned or annulled. The adjudication is not influenced by the plaintiff's claims. For administrative compensation cases, Bulgaria adopts the principle of full compensation. For instance, in cases of property damage, the scope of compensation encompasses not only the loss of the property's intrinsic value but also the profits the plaintiff could reasonably have earned from possessing and using the property.

Suable administrative acts primarily fall into three categories: individual administrative acts, general administrative acts, and administrative acts of secondary legislation. Most administrative cases are actions challenging individual administrative acts. An individual administrative act is an express declaration of will or a declaration of will expressed by an action or omission of an administrative authority which affects rights and lawful interests of specific individual citizens or organizations. If an administrative authority addresses 10 individuals simultaneously in a single legal document, it constitutes 10 individual administrative acts. The key difference is that individual administrative acts are one-time actions targeting specific subjects, whereas general administrative acts are repeated actions not directed at specific subjects. For example, if the Minister of Finance issues tender documents establishing rights and obligations for potential bidding companies in order to construct a public project, the tender documents, issued to unspecified subjects, constitute a general administrative act. Administrative acts of secondary legislation are detailed statutory administrative acts issued for the implementation of law.

Legality review is the key principle in administrative litigations. Administrative acts may be contested on the following grounds: lack of competence, non-compliance with the established form, material breach of administrative procedure rules, conflict with provisions of substantive law, non-conformity with the purpose of the law. In terms of time limits for contestation: (a) Administrative acts shall be contestable within 14 days after the announcement thereof. (b) A tacit refusal or a tacit consent shall be contestable within 1 month after the expiry of the time limit wherewithin the

administrative authority was obligated to pronounce. (c) No time limitation shall apply to the contestability of administrative acts by a motion to declare the nullity thereof. In terms of the form and content of complaint or protest: (a) A complaint or a protest shall be lodged in writing and must state: 1. specification of the court; 2. the name, address, telephone number, and electronic mail address (the business name of the merchant or the designation of the legal person, the registered office and the address of the place of management as last named in the relevant register, and the electronic mail address) 3. indication of the administrative act which is contested; 4. specification of the legal non-conformity of the act; 5. essence of the request; 6. signature of the person who lodges the appeal or protest. (b) In the complaint or protest, the contestant shall be obligated to specify the evidence which the contestant wants to be collected and to present the written evidence in the possession thereof. (c) The complaint or protest cannot contain obscene words, insults or threats. The complaint or protest shall be lodged through the administrative authority which issued the contested act. Within 3 days before the expiry of the time limits for contestation, the authority shall transmit the complaint or protest, together with a certified copy of the entire case file on the issuance of the act, to the court, notifying the submitter of the said transmittal.

As required by law, administrative cases shall be heard in public, applicable to both first-instance and second-instance proceedings. The first-instance court's hearing shall comprehensively ascertain the facts of the case and determine any disputes regarding the application of law. The focus of the appellate court's hearing is to confirm whether the parties have disputes over the facts established by the first-instance court and whether new evidence has been submitted. Although the appellate court listens to the parties' views on legal application disputes during the hearing, a court debate is not necessary. Generally speaking, if the parties have no dispute over the facts established by the court of first instance, the hearing may conclude. If the parties dispute the facts established by the court of first instance and the appellate court deems that such factual dispute affects the legal application of the case, it will often remand the case to the court of first instance for a retrial rather than adjudicate on the substance of the matter. In hearings at both the first and second instance courts, parties are not required to appear in person. In second-instance administrative cases, the related prosecution office must dispatch prosecutors to participate in the proceedings to safeguard public interests. After both parties present their arguments, the prosecutor states his or her opinion on the case independently.

The complaint or protest shall be left without examination and, if a court proceeding has been instituted, it shall be terminated where: (a) the act is incontestable; (b) the contestant lacks legal personality; (c) the contested administrative act has been withdrawn; (d) the contestant has no standing to contest; (e) the contestation is overdue; (f) there is an effective judgment of court on the contestation; (g) a case has been instituted before the identical court, between the identical parties, and on identical grounds; (h) the contestation is withdrawn or abandoned. Among the 14,000 cases heard by the Administrative Court of Sofia City in 2024, approximately 1,750 cases were left without examination, taking up about 13% of the total caseload.

The court shall render judgment within 1 month after the hearing whereat the

examination of the case was completed. The court may declare the nullity of the contested administrative act, may revoke the said act in whole or in part, may modify the said act, or may reject the contestation. The judgement shall refer to the date and place of rendition, the court, the names of the judge/s, the court secretary and the prosecutor (when the latter has been involved in the case), the number of the case in which the judgment is rendered, the reference number and the date of the administrative act and the name of the issuing authority, the names or, respectively, the corporate name of the parties, what the court decrees, against whom the costs are awarded, whether the judgment is appealable, before which court and within what time limit. In its judgement, the court shall present its reasons, specifying the positions upheld by the parties, the facts in the main proceedings and the legal conclusions of the court.

Administrative cases concerning duties and tax must undergo administrative reconsideration before commencing the court proceedings, i.e., an action may only be brought before the court after undergoing administrative reconsideration by the superior tax authority, and the defendant in the action shall be the superior tax authority, not the original administrative authority that issued the act. Except for duties and tax cases, other cases may be directly brought before the administrative court, with the original administrative authority as the defendant. The administrative review authority shall not be listed as a co-defendant. However, even though the review authority is not a defendant, the court may still rule on its actions.

For administrative cases, litigation fees are typically low and charged per case. For cases filed by individuals, the fee is 10 lev ( $\approx$ 5 euros) per case for first instance and 70 lev ( $\approx$ 35 euros) per case for second instance. For cases filed by companies, the fee is 50 lev ( $\approx$ 25 euros) per case for first instance and 350 lev ( $\approx$ 175 euros) per case for second instance. Certain cases incur higher fees, such as administrative cases concerning EU fund utilization, which cost 1,700 lev ( $\approx$ 850 euros) per case. For duties and tax cases, fees are calculated based on the value of claim rather than per case. Given the low charge, plaintiffs often consider attorney fees a more significant factor than court charge when deciding whether to file an action or not, as the losing party is liable for the winning party's reasonable attorney fees. In 2024, the Administrative Court of Sofia City recorded a 30% appeal rate for closed cases, with a 40% reversal rate upon appeal. The Administrative Court of Plovdiv recorded a 50% appeal rate for closed cases and a 30% reversal rate upon appeal.

Disputes over administrative agreements are typically categorized into two types, adjudicated by administrative courts and ordinary courts respectively: disputes arising before agreement conclusion, and disputes arising after agreement conclusion. The former involves reviewing the legality of administrative actions and the application of public law rules (e.g., due process, equality principle), constituting administrative disputes. When individuals or companies file actions against administrative agencies, these are adjudicated as administrative cases. The latter, however, differs little from private law contract disputes and constitutes civil disputes. Individuals, companies, or administrative authorities may file actions as plaintiffs, and these are adjudicated as civil cases. For example, after a public project is tendered, the Minister of Finance designates Company A as the winning bidder and signs a construction contract. If

Company B, which participated in the tender, believes its right to fair competition has been infringed, it may file an administrative action with the administrative court, seeking to revoke the Minister of Finance's administrative act designating Company A as the winning bidder. After the construction contract is signed, disputes arising between Company A and the Minister of Finance regarding contract performance constitute civil disputes, and either party may file a civil action.

For disputes involving both civil and administrative matters, Bulgaria adopts a system where ordinary courts and administrative courts hear them separately. For instance, if a company submits false materials to fraudulently obtain corporate registration, thereby infringing upon and causing damage to another company, and if the act of the registration authority is unlawful due to intentional or negligent misconduct, the administrative court will order the registration authority to bear a certain portion of administrative liability for compensation. The civil liability for compensation borne by the company shall be adjudicated by the ordinary courts, which are not bound by the content of prior administrative judgments rendered by the administrative courts. Similarly, for administrative compensation liabilities arising from nationalized property, if the property has been registered and the administrative authority compensates the registered nominal right holder, the true right holder loses the right to sue the administrative authority for compensation. Instead, they may only resolve disputes over the distribution of compensation funds with the nominal right holder through civil proceedings. If the property remains unregistered, ordinary courts must first adjudicate and confirm the true ownership of the property before administrative courts can order the administrative authority to fulfill its compensation obligations to the rightful owner. Even if the administrative authority has already issued a compensation decision for a particular subject, administrative courts must await the ordinary court's adjudication and confirmation of the true ownership before rendering a corresponding judgment on administrative compensation.

## **V. Main Takeaway from the Internship**

A. Bulgarian administrative judges demonstrate strong overall competence and high judicial efficiency

The sources of law applied in Bulgarian administrative litigation include the Constitution, rulings of the Constitutional Court, EU law, statutes enacted by the National Assembly, etc. The National Assembly has enacted over 300 statutes to date. Thus, the application of law in administrative cases is relatively complex. While the average caseload per judge at the Supreme Administrative Court was 129 cases in 2024, which is not particularly high, cases appealed to the Supreme Administrative Court are often complex given the generally low overall appeal rate. Furthermore, parties dissatisfied with the Supreme Administrative Court's second-instance rulings may appeal to the European Court of Human Rights, making cases even more complicated in terms of legal application. According to an EU judicial efficiency survey, Bulgaria ranks second among the 27 EU member states in administrative judicial efficiency. The achievement stems from Bulgaria's rigorous legal education system, mandatory initial and induction training, merit-based selection of judges for administrative courts, judicial exchanges with other EU nations, and the diligence and professionalism of the

administrative judges. Due to the high homogeneity in legal application capabilities among administrative judges, the summarization of legal issues and factual findings by first-instance courts typically align with those of appellate courts. For appeals, appellate court hearings are highly efficient. I observed two sessions of appellate hearings at the Supreme Administrative Court, each conducted by a three-judge panel: the first lasted one hour with 12 hearings, and the second lasted two hours with 22 hearings. The presiding judge would summarize the factual and legal issues after both parties concisely presented their arguments and prosecutors independently stated their opinions, then inform the parties that both were clear, and thereby conclude the hearing.

B. Bulgaria's administrative litigation system shares overall similarities with China's, while exhibiting differences in specific details

Similar to China, defendants in Bulgarian administrative litigation are invariably administrative authorities, which cannot serve as plaintiffs. The fundamental review principles are legality review and comprehensive review, reflecting the value pursuit of supervising administrative authorities' lawful administration and remedying the legitimate rights and interests of affected parties. The rules regarding scope of acceptance, participants, burden of proof, and judgement types are all designed based on these principles. In terms of details, the more noticeable differences I have observed are: (a) Bulgarian administrative litigation does not adopt the dual-defendant mechanism in administrative reconsideration cases. In Bulgaria, for administrative cases that have undergone administrative reconsideration, a single-defendant mechanism is adopted where the defendant is either the original administrative authority or the reconsideration authority. In China, a parallel mechanism of single and dual defendants is applied, with the single defendant often being the review authority. It is stipulated in Article 26 Paragraph 2 of the Administrative Litigation Law of the People's Republic of China (2017 Revision) that, "*Where a citizen, a legal person, or any other organization directly files a complaint with a people's court, the administrative agency taking the alleged administrative action shall be the defendant.*"

(b) Bulgarian administrative courts exhibit a stronger tendency toward ex officio review. For instance, administrative courts conduct legality review of contested administrative acts in accordance with the law and render judgments based on such review without being constrained by the plaintiff's claims. While courts in China generally adhere to the principles of legality review and comprehensive review, they remain to some extent limited by the plaintiff's claims. A typical example can be found in a judicial interpretation. As it is stipulated in Article 94 Paragraph 2 in the Interpretation by the Supreme People's Court on the Application of the Administrative Litigation Law of the People's Republic of China, "*If a citizen, legal person or any other organization files a complaint to request the recognition of the nullity of an administrative action, which the people's court considers not to be null upon consideration, and the plaintiff requests revocation of the administrative action as explained, the people's court shall proceed with the hearing and enter a corresponding judgment in accordance with the law; if the plaintiff requests the revocation upon the expiration of the statutory time limitation for filing a complaint, a ruling shall be entered to dismiss the complaint; and if the plaintiff refuses to change the claim, a*

*judgment shall be entered to dismiss the claim.”*

(c) Bulgaria distinguishes administrative disputes from civil disputes for administrative agreements and directs affected parties to different remedies. In Bulgaria, disputes arising before the conclusion of an administrative agreement are classified as administrative disputes and heard by administrative courts, while disputes arising after its conclusion are classified as civil disputes and heard by ordinary courts. In China however, there is no distinction in the types of disputes over administrative agreements. Generally speaking, disputes concerning administrative agreements are filed and heard as administrative cases. Yet since administrative authorities cannot serve as plaintiffs in administrative cases, for disputes concerning the performance of administrative agreements to be filed, it often requires the administrative authorities to issue an administrative act so that the affected parties could challenge the act, as it is stipulated in Article 24 Paragraph 1 of the Provisions of the Supreme People’s Court on Several Issues Concerning the Trial of Administrative Agreement Cases, “*Where a citizen, legal person, or any other organization fails to perform obligations according to the administrative agreement and fails to do so upon request, the administrative agency may make a written decision requiring the citizen, legal person or organization to perform the agreement. When the citizen, legal person, or other organization fails to apply for an administrative reconsideration or file administrative litigation within the statutory period after receiving the written decision and fails to perform still, if the agreement is enforceable, the administrative agency may apply to the people’s court for enforcement.”*

C. Compared to Bulgaria’s separate hearing of administrative and civil disputes, China’s concurrent trial of relevant civil disputes in administrative proceedings enables more efficient and coordinated resolution

As ordinary courts diverge from administrative courts in Bulgaria, cases involving both civil and administrative matters are adjudicated separately by ordinary courts and administrative courts. Generally speaking, ordinary courts cannot hear administrative cases, while administrative courts cannot hear civil cases. Even for administrative cases with clear facts and minor legal disputes (such as cases concerning agricultural administration or administrative penalties) heard by district courts at first instance, only administrative disputes are resolved in the proceedings, instead of concurrently resolving both administrative and civil disputes involved. Furthermore, appeals against such rulings are still heard by the 28 administrative courts. Since administrative courts cannot adjudicate civil disputes, when underlying civil issues arise—such as property rights ownership in administrative compensation cases—administrative proceedings must be suspended until the civil dispute is resolved before resuming. This leads to prolonged litigation timelines. Besides, divergent jurisdiction between administrative and ordinary courts over cases involving both administrative and civil torts would risk inconsistent standards of adjudication.

In comparison, China’s concurrent trial of relevant civil disputes in administrative proceedings not only conforms to the institutional setting of single-branch court system, but also enables efficient and collaborative resolution of disputes. It is stipulated in Article 61 Paragraph 1 of the Administrative Litigation Law of the People’s Republic of

China (2017 Revision) that, “*Where a party to an administrative procedure involving administrative licensing, registration, expropriation, requisition, or an administrative agency's ruling on a civil dispute applies for settling the relevant civil dispute concurrently, the people's court may try the civil dispute case concurrently.*” It is also stipulated in Article 20 of the Provisions of the Supreme People's Court on Several Issues concerning the Trial of Administrative Compensation Cases that, “*In an administrative case involving administrative licensing, registration, expropriation, requisition, or an administrative agency's ruling on a civil dispute, if the relevant party applies for settling the relevant civil dispute concurrently when the plaintiff files an administrative compensation lawsuit, the people's court may try the civil dispute case concurrently.*”

Judge Weihua LI  
of the Supreme People's Court of P.R. China