

**INPUT BY THE REPUBLIC OF BULGARIA  
FOR THE THIRD ANNUAL RULE OF LAW REPORT**

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## List of Abbreviations

NCA	National Customs Agency
MOI Academy	Ministry of Interior Academy
PPA	Public Procurements Agency
AFCOS	Protection of the European Union Financial Interests Directorate
BNR	Bulgarian National Radio
BNT	Bulgarian National Television
SAPO	Supreme Administrative Prosecutor's Office
SAC	Supreme Administrative Court
SCPO	Supreme Cassation Prosecutor's Office
SCC	Supreme Court of Cassation
SJC	Supreme Judicial Council
DGBP	Directorate-General Border Police
DSNP	Directorate-General National Police
BCPs	Border checkpoints
CPC	Civil Procedure Code
SANS	State Agency for National Security
ISD	Internal Security Directorate
ID	Inspectorate Directorate
UISC	Unified Information System for Courts
EC	European Commission
EJTN	European Judicial Training Network
APIA	Access to Public Information Act
ECA	Electronic Communications Act
CDCPOWADMSA	Compulsory Deposit of Copies of Printed and Other Works and for Announcement of the Distributors and Suppliers of Media Services Act
LAS	Law on Amendment and Supplement
LNA	Law on Normative Acts
PPA	Public Procurement Act
AFAA	Anti-Corruption and Forfeiture of Assets Act
RTA	Radio and Television Act
JSA	Judiciary System Act
ISJC	Inspectorate to the Supreme Judicial Council
ACC	Attestation and Competition Commission
CPAD	Commission for Protection against Discrimination
CC	Constitutional Court
CJMWJS	Committee "Judicial Map, Workload and Judicial Statistics" to the Judges' College
CACIAF	Commission for Anti-corruption and Illegal Assets Forfeiture
MOI	Ministry of Interior
MFA	Ministry of Foreign Affairs
MOH	Ministry of Health
MOC	Ministry of Culture
MOJ	Ministry of Justice
COM	Council of Ministers
MOF	Ministry of Finance
NRA	National Revenue Agency
NHIF	National Health Insurance Fund
NIJ	National Institute of Justice
CC	Criminal Code
NA	National Assembly
NIS	National Investigation Service

## Introduction

Ensuring respect of the Rule of Law has been a key priority for the government in the context of the series of challenges that EU Member States currently face. The country has always been committed to the implementation and protection of the fundamental principles of the Union. The planned and implemented actions aimed at protecting the rule of law and fundamental rights are the evidence of the government's strong will, determination and pursues for the implementation of significant reforms.

In the context of co-operation with the European Commission under the Cooperation and Verification Mechanism, reforms in the field of the judiciary and the fight against organized crime and corruption have been implemented. The instrument was introduced upon Bulgaria's accession to the European Union and consisted of six benchmarks to monitor the country's progress. In its report of 19 October 2019 the European Commission stated that the progress made under the Cooperation and Verification Mechanism was sufficient to meet the country's commitments made at the time of its accession to the EU.

At the same time, the country has taken steps to establish a National Monitoring Mechanism in the fight against corruption and organized crime, judicial reform and the rule of law, which will become operational upon the repeal of the EC CVM Decision of 2006. The procedure for establishing of the Citizens' Council with the Coordination and Cooperation Council is about to be finalised. On 1 January, a ruling of the Supreme Administrative Court came into force, as a result of which the non-governmental organizations determined by lot on 2 June 2020 should be included in the composition of the Citizens' Council with the Coordination and Cooperation Council. An order is pending to determine the formal nominal composition of the Citizens' Council to the Coordination and Cooperation Council upon the appointment of a Deputy Prime Minister with the Department of Justice.

In the previous 2021, the country faced the extremely serious challenge of organizing government elections in three consecutive rounds. Extremely important foundations have been laid for reforms in the field of justice, judicial reform and the fight against corruption, addressing the challenges outlined in the second Annual Rule of Law Report, published on 20 July 2021, by both caretaker governments. The planned measures have also been reflected in the preparation of the draft Recovery and Resilience Plan of the Republic of Bulgaria within the framework of the Recovery and Resilience Facility established by Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 and the National Development Programme Bulgaria 2030.

The measures thus envisaged aim to respond to the findings of the European Commission from the 2020 and 2021 Rule of Law reports and to implement the recommendations of the Council of Europe, testifying the commitment to implement the Kolevi Judgement of the ECtHR and the excellent cooperation of the Bulgarian authorities with the Council of Europe.

At the end of 2021, important changes were made in the composition of the Constitutional Court. Justice Pavlina Panova was elected as a President of the Constitutional Court. Yanaki Stoilov was appointed Constitutional Judge by the President of the Republic of Bulgaria and the General Assembly of Judges of the Supreme Court of Cassation and the Supreme Administrative Court of the Republic of Bulgaria elected Justice Sonya Yankulova Constitutional Judge.

On 14 January 2022, the Plenary of the Supreme Judicial Council following a hearing and an open vote, elected a new President of the Supreme Court of Cassation. By a Decree № 3, State Gazette no. 6 of 21.01.2022 the President of the Republic of Bulgaria appointed president of SCC Justice Galina Zaharova – Deputy-President and head of the Criminal Chamber of the SCC.

The firm determination to continue the efforts in the planned direction and in cooperation with the European Commission and other respected organizations in the field of Rule of Law remain a guarantee that the direction of future reforms in the country will continue in pursuit of establishing the internationally recognized and established standards.

**A. INDEPENDENCE OF THE JUDICIARY SYSTEM**

**1. Appointment and selection of judges, prosecutors and court presidents (including judicial review)**

With decisions of the Plenum of the SJC<sup>1</sup> are adopted: time schedule /chronogram/ for conducting a procedure for election of the President of the SCC in connection with the term of the President of the SCC expiring on 10.02.2022, a procedure for electing a President of the SCC has been opened according to the adopted chronogram, the date, time and place for the hearing of the candidate in the open procedure for election of the President of the Supreme Court of Cassation have been announced. A media plan to ensure publicity of the procedure has also been adopted.

In 2021, changes were made in the composition of the Constitutional Court. By Decree № 270 of October 29, 2021, State Gazette no. 91 of 02.11.2021, the President of the Republic of Bulgaria appointed Yanaki Stoilov a judge in the Constitutional Court, and Justice Sonia Yankulova was elected by the General Assembly of Judges of the Supreme Court of Cassation and the Supreme Administrative Court of the Republic of Bulgaria by Decision № 1 of 4 November 2021, promulgated. SG no. 94 of 12.11.2021. By Order № 9 - IP of 16 November 2021 of the Constitutional Court, promulgated in State Gazette no. 96 of 19.11.2021, Justice Pavlina Panova was elected Chair of the Constitutional Court.

On 21 October 2021, a proposal to nominate Galina Zaharova - Deputy Chair the Supreme Court of Cassation and Head of the Criminal Chamber, for the position of President of the Supreme Court of Cassation was submitted by the Plenum of the Supreme Court of Cassation. By a decision<sup>2</sup> in an open meeting broadcast online the Commission for Appraisals and Competitions<sup>3</sup> approved a report on the professional qualities of the candidate in the selection procedure. By decision of the Committee on Professional Ethics<sup>4</sup>, in an open meeting broadcast online, the report on the moral qualities of the candidate was approved. Based on the reports of the two commissions, with a decision<sup>5</sup> of the JC of the SJC, the candidate - Galina Zaharova was admitted to a hearing in the procedure for election of the chairman of the SCC. After a hearing of the candidate<sup>6</sup>, on 10 January 2022, the Plenum of the judges of the Supreme Court of Cassation expressed an opinion on the existence of the qualities under Art. 170, para. 4 and para. 5 of the JSA. The Plenum of the SJC, at a meeting held on 14 January, broadcast live on the National Television, as well as online through the website of the Supreme Judicial Council, after hearing the candidate and held a public vote with 20 votes in favor, based on Art. 173, para. 11 of the JSA elected Galina Zaharova. All the related documents have been published on the website of the SJC in the section "Procedure for election of the chairman of the SCC" in accordance with the requirements of the JSA and the Rules for election of the President of the Supreme Court of Cassation, President of the Supreme Administrative Court and Prosecutor General.

Justice Zaharova has been the first woman, elected as President of the Supreme Judicial Court. After receiving a unanimous high assessment of her professional and moral skills, the nomination of Ms. Zakharova received the unappealable support both of the judges' guild and of all members of the Supreme Judicial Council who participated in the vote for her election.

<sup>1</sup> under Protocol №16/23.09.2021, Protocol №17/30.09.2021, Protocol №25/02.12.2021

<sup>2</sup> under Protocol №42/06.12.2021, p. R-1

<sup>3</sup> According Art. 173, Para. 9 JSA

<sup>4</sup> under Protocol №18/09.12.2021, p. 1

<sup>5</sup> under Protocol № 45/14.12.2021 r., p. 4

<sup>6</sup> Protocol from 10.01.2022 is published in the website in the section of the procedure

## **2. Irremovability of judges; including transfers (including as part of the Judicial Map reform), dismissal and retirement regime of judges, court presidents and prosecutors (including judicial review)**

### **3. Promotion of judges and prosecutors:**

By Order № JIC-13-128/18.11.2021 of the Minister of Justice, a working group was formed with the task to draft amendments to the JSA, focusing on:

- improving the procedure for conducting competitions in the judiciary and speeding up the process;
- making changes to the institute of secondment,
- achieving an opportunity to carry out trouble-free work in the judicial system in the process of introducing real and full e-justice.

The draft has been launched for debate and agreement.

### **4. Allocation of cases in the courts**

In 2021, the ISJC (Inspectorate to the Supreme Judicial Council) conducted a total of 158 inspections in the judiciary. During the reporting period, a very good organization for the formation and movement of cases is maintained as the prevailing practice. In the inspected courts it was established that the court papers on which cases are initiated are processed on the day of their receipt and are distributed immediately to a rapporteur in compliance with the principle of random selection, regulated by Art. 9 of the JSA. Maintaining a good organization of the administrative activity contributes to the reduction of the technical time for processing the cases and their consideration on the merits.

## **5. Independence (including composition and nomination of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. the Judicial Council):**

A letter from the ISJC, based on the analyzes and identified best practices under the project "Support to improve the capacity of the Inspectorate to the Supreme Judicial Council", funded by the Office for Support of Structural Reforms of the European Commission made proposals for amendments to the JSA. By Order<sup>7</sup> of the Minister of Justice a working group has been formed with the task to draft amendments to the JSA. The working group has finalized its task. The draft has been launched for public discussion.

## **6. Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (including judicial review).**

The inspections carried out by the ISJC in 2021 in the courts report discipline of the process and observance of the procedural deadlines for the movement and completion of cases.

Positive trends have also been reported with regard to the work of the inspected prosecutor's offices. Despite the data presented in the public space and the case law on the existence of cases on which this principle is circumvented under unclear criteria and motives, the official report shows that in all prosecutor's offices inspected in 2021, it was established that the principle of random allocation of prosecutorial files has been observed, according to the requirement of Art. 9 of the JSA. In the majority of the inspected prosecutor's offices the assignment and performance of the inspections under the JSA is within the indicated terms and in accordance with Art. 145, para. 2 of the JSA. Decrees and indictments are prepared in time.

In the investigation departments of the inspected district prosecutor's offices it was established that the investigative actions are carried out rhythmically and the investigators follow the given prosecutor's instructions. The investigation of the cases is carried out within the legal and extended term for investigation, despite the workload of the investigators, and in practice, no gaps in the work of the investigation departments have been identified.

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<sup>7</sup> Order № JIC-13-88/21.12.2020

In connection with the pandemic situation in the last two years and the related restrictions on the administration of justice, on 12.05.2020 the JC of the SJC adopted Rules and measures for the work of the courts in the conditions of a pandemic. According to item X.1. - X.3 of the rules "... the proceedings in the cases are moving at a slower pace and will end - most of them, outside the three-month instructional deadlines".

In this regard, for each specific case or file, the provisions of the Law on Measures and Actions during the State of Emergency, declared by a decision of the National Assembly of 13 March 2020, and on overcoming the consequences and the declared state of emergency throughout the country. This law regulates the procedural deadlines that cease to run during the declared state of emergency, as well as the deadlines that are extended, which is in line with the ISJC during the inspections. It is also taken into account that for a certain period only the immediate and fast proceedings were considered. In view of this, in the previous 2021 the ISJC has not made proposals for initiating disciplinary proceedings against judges, prosecutors or investigators, 19 recommendations have been made to the relevant administrative heads to draw the attention of judges, prosecutors and investigators to any breaches they have allowed to occur on the movement and / or the closing of the cases or the files.

In 15 cases, the administrative heads imposed a disciplinary measure under Art. 327 of the JSA - "drawing the attention" to the magistrates, in whose work certain breaches have been identified.

Although in the reporting period there was a significantly higher number of reports of breaches under Chapter Nine, Section Ib of the JSA (72 signals, compared to 2020, during which 50 signals were received), containing allegations of breaches of integrity, in 2021 ISJC did not prepare proposals for instituting disciplinary proceedings to impose disciplinary sanctions. This fact is due both to the lack of established breaches of ethical rules and to the legal framework on the basis of which they can be effectively established and proven.

Nevertheless, in order to encourage the submission of reports of breaches of the integrity of magistrates, Guidelines for reporting reports of breaches under Chapter Nine, Section Ib of the JSA have been developed. The publication of the Guidelines on the official website of the ISJC led to acquaintance of the senders with the details that must be contained in each signal in order to be considered, and hence to increase the signals under Chapter Nine, Section Ib of the JSA.

In view of the need to establish specific rules for ethical conduct of inspection services, the ISJC in 2020 prepared a draft European Charter on the Professional Ethics of the National Inspection Authorities (Charter), Representatives of the European Network of Justice Inspection Services (RESIJ), which was officially adopted at the General Assembly of the members of the Network, held on 25 June 2021 in Paris, France.

## **7. Remuneration/bonuses/awards for judges and prosecutors, including changes (significant increase or decrease in the past year), transparency in the system and access to information**

Pursuant to the Rules for determining the additional remuneration by the order of Art. 233, para. 6, proposal 1 of the JSA<sup>8</sup>, the CJMWJS to the JC of the SJC has adopted decisions<sup>9</sup> to determine the degree of workload of the courts (excluding specialized courts). Based on the adopted rules, the commission proposed to the JC of the SJC to determine the degree of workload of courts and accordingly proposed categorization of the courts according to the criteria of extremely heavy, high, medium and low workload. With decisions<sup>10</sup> additional remunerations have been set for judges from extremely heavy-workload courts in the amount of 2.7 basic monthly remuneration, and in the amount of 2.3 basic monthly remuneration for high-workload courts.

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<sup>8</sup> adopted by a decision under Minutes № 24/22.06.2021 of the Judicial College of the SJC, amended with a decision under Minutes № 41/17.11.2021 of the Judicial College of the SJC

<sup>9</sup> under Minutes № 16/28.07.2021 and under Minutes № 23/17.11.2021

<sup>10</sup> Decision under Minutes № 42/23.11.2021 of the Judicial College of SJC and with decision of the Plenum of the SJC under Minutes № 23/25.11.2021

With a decision<sup>11</sup> the Prosecutorial College of the SJC adopted Rules for determining and paying additional remuneration to prosecutors and investigators by the order of Art. 233, para. 6, sentence 1 of the JSA, which provides differentiated criteria for determining the workload of regional and district prosecutor's offices, the investigative departments of district prosecutor's offices, appellate prosecutor's offices, and the Supreme Cassation Prosecutor's Office, Supreme Administrative Prosecutor's Office and the National Investigation Service it is determined on the proposal of the Prosecutor General. The degree of workload and the amount of the additional remuneration are determined by the Prosecutorial College of the SJC, providing for up to four basic monthly remunerations for the extremely heavy-workload authorities, up to three for the high-workload ones, and up to two for the average-workload ones.

Based on the adopted rules, with a decision<sup>12</sup> of the Prosecutorial College of the SJC and on the grounds of Art. 233, para. 6, sentence 1 of the JSA, the authorities that fall into the three categories of workload and the amount of additional remuneration of the prosecutor's offices and district investigation departments (except for the specialized authorities) are determined, which for the extremely heavy-workload authorities amounts to 2.7 basic monthly remuneration, for the high-workload authorities in the amount of 2.3 basic monthly remunerations and for the average-workload authorities in the amount of 1.5 basic monthly remunerations. With a decision<sup>13</sup> of the Plenum of the SJC a consent was given to the administrative heads of the prosecutor's offices to exercise their powers, according to the Rules for determining and paying additional remuneration to prosecutors and investigators under Art. 233, para. 6, sentence 1 from the JSA.

As of 1 January 2021, the basic monthly remunerations for judges and prosecutors were updated by 10% of increase. The ranks of the magistrates were also increased for the 1st rank by BGN 25, the 2nd rank by BGN 35 and for the 3rd rank by BGN 40, respectively.

With a decision<sup>14</sup> of the Plenum of the SJC under item 6, item 7, item 8, item 9 and item 10 additional remunerations were determined for judges and prosecutors according to approved rules<sup>15</sup>.

## **8. Independence/autonomy of the prosecution service**

### **9. Independence of the Bar (Chamber/Association of lawyers) and of lawyers**

During the reporting period there was no change in the legal framework, as well as no mandatory case law of the Supreme Court of Cassation and the Supreme Administrative Court, which concerns the exercise of the profession of lawyer and the authorities of the bar.

Regarding the mandate of the bar, it should be noted that on 6 August 2021 the newly elected Supreme Bar - the Supreme Bar Council, the Supreme Control Council and the Supreme Disciplinary Court – as the mandate of the acting authorities is four years.

In view of the long-standing practice in the courts, as well as in the anti-epidemic measures introduced, extraordinary rules on access to court buildings were introduced in many courts, which concerned lawyers - for example, but not limited to establishing special access for judges, prosecutors and judges. employees and equating lawyers' access to court buildings

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<sup>11</sup> under Minutes № 37 from 03.11.2021

<sup>12</sup> under Minutes № 40 from 23.11.2021

<sup>13</sup> under Minutes № 23 from 25.11.2021

<sup>14</sup> under Minutes № 23 from 25.11.2021

<sup>15</sup> Rules for determining and paying additional remuneration to judges by the order of art. 233, para. 6, sentence one from the JSA; Rules for determining and paying additional remuneration to prosecutors and investigators under Art. 233, para. 6, sentence one from the JSA; Rules for individual evaluation of the results of the activity of the judges and court employees in the Appellate Specialized Criminal Court and the Specialized Criminal Court for determination and payment of additional remunerations under Art. 233, para. 6, assoc. 2 and Art. 345, para. 5 of the JSA; Rules for individual evaluation of the results of the activity of the magistrates and court employees in the Appellate Specialized Prosecutor's Office, Specialized Prosecutor's Office and the Investigation Department in the Specialized Prosecutor's Office for determination and payment of additional remunerations under Art. 233, para. 6, assoc. 2 and Art. 345, para. 5 of the JSA; Rules for determining and paying funds for additional remunerations.

with that of citizens. An order was issued<sup>16</sup> of the Minister of Justice, which gave instructions for ensuring and ensuring equal access to the court buildings of judges, prosecutors and lawyers.

## **10. Significant developments capable of affecting the general public's perception of the independence of the judiciary.**

### **B. QUALITY OF THE JUSTICE**

#### **11. Accessibility to courts (e.g. court/legal fees, legal aid, language)**

In drafting the Recovery and Resilience Plan of the Republic of Bulgaria in the framework of the Recovery and Resilience Facility established by Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021, a working group is envisaged to be set up in 2022 for the preparation of a draft law amending the Legal Aid Act, which aims to improve the access of citizens from vulnerable social groups to legal aid. It is planned to expand the types of legal aid and the range of persons entitled to legal aid. It is planned to ease the regime for providing legal aid, with the regulation for exemption from fees and expenses of the persons who have been provided with legal aid in civil and administrative court cases.

At the same time the formed with decision<sup>17</sup> of the Plenum of the SJC working group on activity 1 of phase 1 of the project "Introduction of alternative dispute resolution methods in the judicial system in Bulgaria - pilot introduction of mandatory judicial mediation; completion of the network of judicial centers in all district judicial regions of the country", held meetings at which the Rules for the work of the group were adopted; The head and coordinators of the group have been appointed, as well as the various aspects of the group's tasks have been discussed - nomenclature of cases for which a mandatory first mediation meeting will be held, optimal organization of members' work in various fields, etc.

#### **12. Resources of the judiciary (human/financial/material)**

#### **13. Training of justice professionals (including judges, prosecutors, lawyers, court staff)**

In 2021, the activities of the NIJ were focused on the implementation of the main measures and objectives set out in the Annual Plan of the NIJ for the implementation of the adopted horizontal policies. In the context of the continuing pandemic situation caused by the spread of COVID-19, the search for a balance between the responsibility for the health of trainees, trainers and NIJ staff and the formation and upgrading of the necessary set of knowledge, skills and competencies was a key challenge in the judiciary training in the reporting year 2021.

Following the approach of systematic integration in the training activities of the issues related to the rule of law and ethical challenges, in 2021, within the initial and current training of magistrates and the court administration, 203 training activities were implemented, in which 5,358 took part specialists in the field of justice (judges, prosecutors, investigators, junior magistrates, members of the judiciary and other representatives of the professional community). The trainings were conducted in face-to-face, distance and mixed form, taking into account the procedural role, competence and professional experience of the participants. In parallel with these activities at the national level, the NIJ coordinates the participation of Bulgarian magistrates in international seminars organized by the European Judicial Training Network and other related European institutions and schools.

In September 2021, the established expert groups on the NIJ project "Justice in the 21st Century - Strengthening Professional Competence and Judicial Integrity completed the analytical work on the development of standards for judicial training for effective performance of the positions of "judge", "prosecutor", "investigator" and "administrative head" of the judiciary". In three public discussions, each of the working groups presented the prepared

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<sup>16</sup> Order № ЛС-04-756/10.12.2021

<sup>17</sup> under Minutes №13/08.07.2021



standards and discussed with the representatives of the professional community the identified skills and competencies. The rule of law is central to the standards developed in the context of developing legal competence and enforcing rules of ethical conduct. The prepared documents were published on the NIJ website, and the interested parties and institutions were given a deadline (until 10 December 2021) for opinions, comments and suggestions. In 2022, the standards for judicial training will be discussed at a round table with representatives of the judiciary and will be proposed for approval by the Board of Directors of the Institute.

In December 2021, the adaptation of the self-study course on ethics, developed by the United Nations Office on Drugs and Crime (UNODCs), under the project "Justice in the 21st Century - Strengthening Professional Competence and Judicial Integrity" was finalized.

In November 2021, the expert groups of the NIJ Program Council and the professional organizations of judges, prosecutors, investigators and court staff were consulted to identify permanent strategic areas in the NIJ's training activities and priorities in the training activities for 2022. At a meeting held on 3 December 2021, the Program Council adopted strategic and priority areas of the training activities of the Institute. The rule of law is a constant strategic priority in the activities of the NIJ, which will continue to be implemented next year through the overall training activities of the Institute.

In 2021, with the participation of NIJ lecturers as moderators and panelists in webinars of the European Judicial Training Network in the growing popularity of the series "In the lunch break" a webinar was held on "The impact of COVID-19 on international cooperation in criminal cases."

On 17 March 2021, the National Institute of Justice, together with the Konrad Adenauer Foundation and the AIRE Centre, organized in an electronic environment a presentation of the manual "The COVID-19 Pandemic and its impact on fundamental rights"<sup>18</sup>, available in the virtual reading room of the e-learning portal of the NIJ<sup>19</sup>. The most common violations of the European Convention on Human Rights in crisis situations have been identified, as well as the institutional and procedural guarantees for the protection of human rights.

The Institute hosted a training course organized in partnership with the Academy of European Law on "Implementation of the Charter of Fundamental Rights of the European Union". Focus on the right to a fair trial", 9-10 December 2021. The team of Bulgarian and international trainers presented an in-depth review of the scope and interpretation of the Charter of Fundamental Rights of the European Union, as well as its relationship with other legal instruments for the protection of fundamental rights in Europe.

On 13 December 2021, the NIJ held a virtual meeting with Dr. Miroslav Nenkov, anesthesiologist at the Military Medical Academy (MMA), which was attended by over 160 magistrates, court employees and other representatives of the professional community about the COVID-19 Pandemic and vaccines.

In 2021, representatives of the Prosecutor's Office of the Republic of Bulgaria participated in a total of 63 trainings (remotely and in attendance), organized by the NIJ and other external training providers. 226 prosecutors, 150 investigators and 4 assistant prosecutors were trained. The topics of the trainings are mainly focused on: offences against the financial interests of the EU and interaction with the European Public Prosecutor's Office; implementation of the EU Charter of Fundamental Rights, etc.

In order to overcome the challenges related to the pandemic situation, an agreement was concluded between the Prosecutor's Office of the Republic of Bulgaria and the NIJ, allowing the use of material and technical base, information and technological resources of the NIJ for conducting distance training for prosecutors and investigators.

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<sup>18</sup> The publication was prepared by a team of international experts with the participation of Professor Ledi Bianku, a judge at the European Court of Human Rights in the period 2008-2017.

<sup>19</sup> <https://e-learning.nij.bg/>

The Advocacy Act explicitly provides<sup>20</sup> compulsory training of lawyers, which corresponds to the authority of the Supreme Bar Council to organize and carry out the training of lawyers<sup>21</sup>.

The training of lawyers is carried out by a specially established institution of the Supreme Bar Council - the Lawyer Training Center<sup>22</sup>.

During the period the Lawyer Training Center "Krustyu Tsonchev" (LTC ) held a total of 107 trainings and events. The topics are focused on the scope of protection of fundamental rights in the EU, EU citizenship and rights of EU citizens, domestic violence as a pandemic and the effectiveness of Bulgarian legislation for the protection of victims and other topical issues proposed for discussion by the bar associations.

In 2021, the courses conducted in cooperation with the Council of Europe's Programme for Human Rights Education for Legal Professionals (HELP Programme), translated and adapted for Bulgarian lawyers, total 4, on the following topics: "Children's Justice and Children's Rights" (with a total of 20 participants), "Combating Racism, Xenophobia, Homophobia and Transphobia" (with a total of 33 participants), "Asylum and Human Rights" (with a total of 67 participants) and "International Cooperation in Criminal Matters" (with a total of 44 participants).

At the end of 2021, meetings were held between representatives of the National Institute of Justice and the Lawyer Training Center, at which an agreement was reached on joint training of magistrates and lawyers.

The NIJ provided registered access for all lawyers to use the virtual library of the institute.

In view of the recent escalation of domestic violence in Bulgaria during the pandemic, the Ministry of Justice has taken urgent measures to finalize the draft Law on Protection from Domestic Violence in order to regulate adequate measures for effective prevention of violence and social support for victims, including the creation of a database and systematic collection of statistical information on domestic violence. The draft law has been launched for public consultation until 27 January.

The theme has been revived again and on 17 and 20 January working meetings were held in the Ministry of Justice with the participation of the members of parliament from almost all the parliamentary groups, the Ombudsman of the Republic of Bulgaria, NGO representatives, acting in the area of the prevention and protection of the domestic violence, and a representatives from the Ministry of Justice, Ministry of Interior and the Ministry of Labor and Social Policy. The aim of the working meetings was to hear the different points of view and to search the consensus about the opposite opinions and amendments to the draft, as well as to flag to the Members of Parliament the topic of the domestic violence and to point it as priority discussion in the National Assembly.

The MOI Academy also conducts initial and follow-up training for investigative police officers. There are courses for updating the professional qualification in the form of centralized courses and local training. In 2021, the MOI Academy conducted 2 courses for initial professional training and 2 courses for professional specialization, in which a total of 83 investigative police officers took part. During the same period, 40 trainings for investigative police officers on various topics related to crime investigation were conducted at the GDNP, including and falling within the scope of the Unified Catalog of Corruption Offences. Investigative police officers are also involved in trainings organized by the NIJ and other training institutions in the country and abroad.

#### **14. Digitalisation (e.g. use of digital technology, particularly electronic communication tools within the judiciary and with court users, including the resilience of judiciary systems in COVID-19 pandemic)**

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<sup>20</sup> Art. 27 of the Advocacy Act

<sup>21</sup> Art. 28 of the Advocacy Act

<sup>22</sup> A non-profit foundation established for private benefit, whose activities are fully funded by the Supreme Bar Council with the funds raised from the contributions made by lawyers.

The amendments to the JSA also reflect on the regulation of e-justice in the Civil Procedure Code, the Criminal Procedure Code and the Administrative Procedure Code.

### **Progress regarding payment orders and the Unified Information System for Courts**

The proposals for legislative changes prepared under the project "Continuing reform in the payment orders" of the European Commission's Directorate-General „Structural Reforms Support“ have been sent with a decision<sup>23</sup> of the JC of the SJC for the exercise of a legislative initiative by the Ministry of Justice.

It should be emphasized that the technical specification for the future module for payment order case in UISC has been developed on the basis of these legislative proposals.

As of December 2021, a procedure under the Public Procurement Act has been launched to determine the value of the construction of the future module to the UISC, serving the payments orders on the basis of the technical and functional specifications prepared for the project. The public procurement is to be announced and its implementation to be awarded by concluding a contract with the selected contractor.

The construction of the payment order cases module is part of the EESC upgrade project, which is included in the Recovery and Resilience Plan.

### **Progress on the use of technical measures**

Work continues on the project "Development and implementation in the judiciary of software for accelerated creation and reproduction of acts and other documents through dictation and automatic conversion of voice recording into text /voice-to-text/ and accompanying processing systems", under which the SJC is a beneficiary under a contract with Operational Programme "Good Governance" (OPGG), and the deadline for implementation is October 2022.

The Plenum of the SJC decided on 16 December 2021 to organize and conduct an open procedure for awarding a public procurement with subject: "Optimization of the Single e-Justice Portal to create conditions for increasing access of citizens and legal entities to e-justice“.

The goals of the Portal optimization<sup>24</sup> will be implemented by creating functionalities for:

1. Execution of certification statements in electronic form /submission and receipt of documents, documents on court cases in electronic form/;
2. Performing procedural actions in electronic form;
3. Delivery of notices and subpoenas /including mandatory electronic summoning for a certain range of individuals/;
4. Opportunity for online banking through online payment of state fees in cases with the construction of 151 virtual POS terminals.

The optimized Single e-Justice Portal will be located on the purchased IT infrastructure, which will provide the necessary technical parameters and ensure its operation.

## **15. Use of assessment tools and standards (e.g. ICT case management systems, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)**

### **Indexes**

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<sup>23</sup> under Minutes № 40/16.11.2021

<sup>24</sup> 1. Creating an opportunity for citizens and businesses to access and exchange electronic documents with the judiciary entirely online /in electronic form/;  
2. Creating an opportunity to reduce the administrative burden and costs in the judicial process for citizens and businesses through digitalization in the judiciary.

The results of the instance control over the issued judicial acts are reflected by means of an index<sup>25</sup>. The correct reflection of the result of the instance inspection /of the appellate and cassation control over the judicial acts/ is important for the formation of a correct assessment of the professional qualification and skills of the judges in the attestation and their career development. The current<sup>26</sup> indices have not been updated since 2015. For this reason, the Judicial College of the SJC adopted a decision<sup>27</sup>, approving draft Rules for determining and setting up Indices of Judicial Acts on the results of instance review and reopening proceedings in criminal cases. Proposals for changes in the rules for attestation in the direction of determining weighting coefficients of each index are to be prepared, which will allow to achieve maximum objectivity in the assessment of the activity of judges.

### **Supplement to the Rules for assessing judges' workload**

In the course of the work on establishing the real workload of the courts and judges, the Judicial Map, Workload and Judicial Statistics Committee to the JC of the SJC noted the existence of contradictory practice in reporting the activity of courts in the country and an alarming trend regarding the quality and processing of statistical information collected by the SJC.

The adopted with decision<sup>28</sup> Rules for assessing judges' workload, in force since 01.04.2016, has undergone serious changes in the last two years, as a result of the work of the three permanent working groups on administrative, criminal and civil, commercial and company cases formed within the commission, in as a result of which significant shortcomings of the Workload Measurement System of Courts (WMSC) were eliminated. Apart from that, the Unified Information System for Courts from 2021 has been implemented in all courts and the "Workload" module should be fully ready by the end of this year to seamlessly reflect the workload data of each judge. In this regard, the JC of the SJC adopted a decision<sup>29</sup> to supplement the Rules for assessing judges' workload, so that as of 1 January the JC of the SJC to analyze and report on the workload of judges and courts according to the data from the "Workload" module in the Unified Information System for Courts and the Workload Measurement System for Courts for the administrative courts.

**16. Geographical distribution and number of courts/jurisdictions ("judicial map") and their specialization, in particular specific courts or chambers to deal with fraud and corruption cases.**

## **C. EFFICIENCY OF THE JUDICIARY SYSTEM**

### **17. Duration of proceedings**

On 12 May 2020 the JC of the SJC adopted Rules and measures for the work of the courts in the conditions of a pandemic. According to item X.1. - X.3 "... proceedings are moving at a slower pace and will be completed - most of them, outside the three-month guidance period". These circumstances lead to delays in the proceedings in some cases and files established during the inspections and the preliminary examination of the signals received by the Inspectorate to the Supreme Judicial Council, which are considered admissible in the current circumstances.

**Other - please specify**

## **II. Anti-Corruption Framework**

<sup>25</sup> Indexing is an activity related to the attestation of judges, but it also serves the purpose of judicial statistics.

<sup>26</sup> adopted with decision under Minutes № 14 from 23.03.2015 of the SJC

<sup>27</sup> under Minutes № 45/14.12.2021

<sup>28</sup> under Minutes № 62/16.12.2015

<sup>29</sup> under Minutes № 45/14.12.2021

## **A. The institutional framework capacity to fight against corruption (prevention and investigation/prosecution)**

**18. List any changes to the relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (human, financial, legal and technical resources as relevant), including cooperation between national authorities. Indicate any relevant measures taken to cooperate effectively and in a timely manner with OLAF and EPPO (where applicable).**

### **Cooperation of the Prosecutor's Office of the Republic of Bulgaria with the European Public Prosecutor's Office**

As set out in the Agreement for Joint Governance of the Republic of Bulgaria in the period 2021-2025, the government is determined to strengthen the activities of anti-corruption bodies, as one of the planned measures is to reform the activities and structure of CACIAF. The same measure has been included as a reform in the National Recovery and Resilience Plan. The measure has been planned to be achieved through the following steps:

Drafting amendments to the legislation to determine the powers of the independent anticorruption commission, which to assigns inspections to other competent bodies and directorates - NRA, SANS, etc. This commission will have the authority to conduct investigation in such a way that the collected evidence to be useful in the criminal proceeding in the way of appropriate law guarantees for the rights and freedoms of individuals and businesses. An independent Commission for illegal assets forfeiture (for recovery of assets) will be established to:

- Review of the functions and activities of the inspectorates at the ministries;
- vest the right to the Anti-Corruption Commission to appeal the refusals of the Prosecutor's Office to initiate pre-trial proceedings on files submitted by it with data on committed corruption crimes;
- to allow the Anti-Corruption Commission / Unit in case of establishing data for significant discrepancy in the property or in case of established conflict of interests to refer to the Commission for Recovery of Assets for inspection in the field of its competence;

The Anti-Corruption Commission, Commission for Recovery of Assets shall have the following functions:

- adopt clear, operational and publicly available methodology for financial valuation of assets, which would allow adequate assessment of the value of the assets to be seized, and audit of the cases filed so far for confiscation of illegally acquired property in order to reduce the risk of engaging the responsibility of the state in future cases;
- adopt policy for concentration of efforts on persons at higher risk of corruption;
- introduce a requirement for initial and periodic checks on the integrity of key employees in the structure of anti-corruption bodies.

A working group has drafted legal amendments, which aim to improve the structure of the commission and to increase the effectiveness of its work.

The activity of the working group set up<sup>30</sup> to study the issues that have arisen so far and the ambiguities in connection with the application of the legislation related to the activities of the European Public Prosecutor's Office and the delegated European public prosecutors and their communication and preparation of instructions has been finalized with which to create an organization for the work of the Prosecutor's Office of the Republic of Bulgaria on files and pre-trial proceedings instituted for offences against the financial interests of the EU. A methodological act is to be issued.

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<sup>30</sup> Order № ПД-09-68/01.09.2021 of the Prosecutor General

The Commission for Anti-corruption and Illegal Assets Forfeiture (CACIAF) continues to take action to strengthen capacity, optimize the structure of the administration, improve the overall work of the Commission, increase confidence. As of January 1, 2021, all 8 territorial offices have been closed<sup>31</sup>. The new territorial structure includes the current 13 territorial departments<sup>32</sup>, as well as 2 outsourced jobs<sup>33</sup>.

The total number of the specialized anti-corruption directorate has increased.

With regard to technical resources, measures were taken during the period to modernize and upgrade the Commission's technical infrastructure, both with the necessary computer and office equipment and by upgrading/developing new information systems and registers in view of the specific functions of the structural units.

Within its powers, the Commission carries out active interinstitutional cooperation both at national level<sup>34</sup> and with international institutions and organizations. In the framework of the Anti-Corruption Academy initiative, based on a cooperation agreement<sup>35</sup> a student internship was conducted in these institutions.

In 2021, cooperation agreements were signed with the Commission for the Resolution of Conflicts of Interest of the Republic of Croatia (CRCI), the Special Investigation Service (STT) of the Republic of Lithuania, and the National Anti-Corruption Authority of the Republic of Italy (ANAC). During the year CACIAF was accepted as a full member of the Network of European Integrity and Whistleblowing Authorities (NEIWA) and as a permanent member of the Network for Integrity.

The interception, detection and investigation of offences committed by employees of the Ministry of Interior is within the competence of the Internal Security Directorate, which is directly subordinated to the Minister of Interior.

The Inspectorate Directorate is the other control body directly subordinated to the Minister of Interior, which assists the structures of the Ministry of Interior in clarifying signals of conflict of interest, verifying declarations under the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Act and counteracting and detecting breaches of the Code of Ethics for civil servants and respectively - the Code of Conduct for Civil Servants - for employees with status under the Civil Servant Act and those under the Labor Code.

AFCOS cooperates operatively with OLAF and is the national contact point with the Office and the relevant competent authorities in the field of protection of the European Union's financial interests in the Member States and in other countries .

Contact points have been determined in the competent structures of the Ministry of Interior for the purposes of the application of Art. 24 (2) of Regulation (EU) № 2017/1939 of 12 October 2017. The necessary internal coordination mechanisms have been set up in order to cooperate effectively with the European Public Prosecutor's Office.

The Ministry of the Interior also has an Interdepartmental Council for Prevention and Counteraction to Corruption, which monitors the implementation of applicable strategic documents.

The implementation of the measures for observance and approval of the ethical standards in the police activity is monitored within the Standing Committee on Human Rights and Police Ethics in the Ministry of Interior.

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<sup>31</sup> Sliven, Yambol, Dobrich, Shumen, Gabrovo, Plevan, Pazardzhik and Pernik

<sup>32</sup> Burgas, Sliven, Varna, Shumen, Veliko Tarnovo, Ruse, Lovech, Plovdiv, Stara Zagora, Sofia, Blagoevgrad, Vidin and Vratsa

<sup>33</sup> In Dobrich and Yambol

<sup>34</sup> According to the granted competence, CACIAF cooperates with the Prosecutor's Office, the Ministry of Interior, the State Agency for National Security (SANS), the State Agency Technical Operations (SATO), the State Intelligence Agency (SIA), the revenue authorities, the National Customs Agency (NCA), the Chief Inspectorate of the Council of Ministers, the Inspectorate to the Supreme Judicial Council and the inspectorates under Art. 46 of the Administration Act.

<sup>35</sup> between CACIAF, the Committee on Anti-Corruption, Conflict of Interests and Parliamentary Ethics at the 44th National Assembly, the Ombudsman of the Republic of Bulgaria and the University of National and World Economy

## **19. Safeguards for the functional independence of the authorities tasked in the prevention and detection of corruption.**

Information on this issue was provided by the Prosecutor's Office of the Republic of Bulgaria on the Contribution of the Republic of Bulgaria to the Second Annual Report on the Rule of Law.

The guarantees for functional independence of CACIAF are provided by AFAA.

The functional independence of the authorities in charge of prevention and detection of corruption in the Ministry of Interior is legally regulated in the Criminal Procedure Code<sup>36</sup> and in the Ministry of Interior Act<sup>37</sup>.

The activity of investigation of offences is carried out by investigative police officers and other police authorities under the terms and conditions of the Criminal Procedure Code. Investigative police officers may not be assigned other activities than criminal investigation activities. In exercising their powers, the investigative authorities shall take decisions on the basis of internal conviction, based on an objective, comprehensive and complete examination of all the circumstances of the case, guided by the law. The written instructions of the prosecutor on the investigation are obligatory for the investigative authorities. Supervisors in MoI are not allowed to give instructions on the conduct of investigative actions and the drafting of a written opinion, as well as in any other way to interfere in the investigation.

In the presence of data for committed disciplinary violation, disciplinary proceedings are initiated. In the performance of their functions, the disciplinary investigative authorities shall be independent and shall be subject only to the law.

## **20. Information on the implementation of the measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators.**

In 2021, Bulgaria approved<sup>38</sup> a new National Strategy for Prevention and Counteraction Corruption (2021-2027).

Pursuant to Priority 3 "Strengthening the capacity and improving the work of the authorities in charge of control and sanctioning powers in the administration", the administration of the Council of Ministers completed the implementation of a project supported by the European Commission's Directorate-General „Structural Reforms Support“. The main results are: a report with an assessment and recommendations regarding the current legislation in Bulgaria in the field of administrative penal activity and proposals for legislative changes.

The activity of the working group established has been finalized<sup>39</sup> with the aim of a comprehensive analysis of corruption cases (in pretrial and trial phase) for the period 1 January 2018 – 10 October 2020. The report prepared by the working group was presented to the leadership of the Prosecutor's Office to take the necessary measures on basis of findings, conclusions and suggestions including by emphasizing the improvement of the organizational and methodological security, the need for normative changes, as well as the purposeful raising of the qualification for ensuring high efficiency of the criminal proceedings instituted for corruption.

In connection with the assignment of the SJC<sup>40</sup> preparation of an Analysis of the activities of the Appellate Specialized Prosecutor's Office and the Specialized Prosecutor's Office for the period 1 January 2012 – 31 December 2020, the same at the end of 2021 was presented to the management of the Prosecutor's Office of the Republic of Bulgaria for discussion and coordination. The analysis is complex - it covers the legal framework, the administrative and organizational activities of the specialized prosecutor's offices and the

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<sup>36</sup> Art. 10, Art. 52, para. 3 and others.

<sup>37</sup> Art. 15, para. 3-5

<sup>38</sup> CMD № 235 19.03.2021: <https://strategy.bg/StrategicDocuments/View.aspx?lang=bg-BG&Id=1353>

<sup>39</sup> Order № ПД-09-128/25.11.2020 of the Prosecutor General

<sup>40</sup> Decision under item 1.4. under Minutes № 8 of the meeting of the Plenum of the SJC from 13.05.2021

staffing and resources, as well as the overall activities in the field of organized crime and corruption for the period from the establishment of these prosecutor's offices to the end of 2020.

According to the official information, received by the President of CACIAF with letter № 91-00-188/17.12.2021 in the Ministry of Justice, all the measures within the competence of CACIAF from the Roadmap for implementation of the National Strategy for Prevention and Counteraction Corruption in the Republic of Bulgaria (2021 - 2027) are being implemented. The Commission's official website has been updated<sup>41</sup>.

With a decision of CACIAF, Internal Rules for Provision of Information on Inquiries on the Implementation of CACIAF have been adopted, which regulate the procedure for receiving and considering inquiries from interested parties addressed to CACIAF, as well as providing information on them in connection with issues of principle<sup>42</sup> on the application of the law and the fulfillment of obligations.

The interdepartmental council<sup>43</sup> for the prevention and counteraction of corruption in the Ministry of Interior monitors the implementation of existing strategic documents in this area.

The Anti-Corruption Plan of the Ministry of Interior for 2021 aims to put into practice the commitments of the Ministry set out in the National Corruption Prevention and Counteraction Strategy in the Republic of Bulgaria 2021-2027. It includes a total of 64 measures, of which 62 cover 6 major corruption risk, and 2 measures are aimed at publicity of the Ministry's efforts to prevent and combat corruption.

The plan stipulates the improvement of the control in the main directions of activity of the Ministry of Interior, as the control of the traffic is determined as the most risky. In this regard, we are actively working on the introduction of electronic devices for monitoring the activities of road patrols, as well as to improve the opportunities for employees to access the information systems of the Ministry of Interior. For the needs of the Traffic Police, public procurement procedures have been initiated for the purchase of new cars with included equipment and an integrated mobile surveillance system such as a "body-worn camera" (body camera).

A system for automatic tracking of the location of vehicles for real-time control over the activities of security police officers has been introduced, which has significantly increased the efficiency in the distribution of patrols and their work on crime prevention.

At the end of 2021, the construction of the "Center for Active Monitoring in the System of the Ministry of Interior" was completed, with the help of which the actions of the employees of the Ministry of Interior, including border police officers, can be monitored in real time .

The rotation of employees dealing with administrative services to citizens, border control and traffic control continues.

In order to reduce the opportunities for corruption, the scope of the provided electronic administrative services through the Internet portal of the Ministry of Interior and the opportunities for payment electronically are expanded. Measures have been introduced to increase the number of structures in which payment is made only through a POS terminal, and such devices have been purchased for all regional directorates of the Ministry of Interior and border checkpoints.

In order to improve the awareness of the citizens, up-to-date information is maintained in the premises for providing services, on the websites of the separate structures of the Ministry, as well as on the Internet portal for administrative services of the Ministry of Interior. Surveys are made on the satisfaction of citizens with the services provided, and a report on their

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<sup>41</sup> A section "Internet reception" has been created, which provides an opportunity for electronic inquiries on the application of the Law on the Application of Information, summarized information on frequently asked questions has been presented, internal rules for providing information have been published; Functionality has been developed for electronic submission of signals for corruption or conflict of interest, based on Art. 47 and Art. 48 of AFAA; in the section "Prevention of Corruption" a Register of Bills is available, in respect of which CACIAF has exercised its powers to coordinate on corruption risks; in the section "Conflict of interests" a systematic summary of the main case law on Chapter Eight "Conflict of interests" of the AFAA and on procedural issues in court proceedings has been published.

<sup>42</sup> Questions can also be asked online through the "Internet Reception" section of the Commission's website.

<sup>43</sup> The council prepares annual anti-corruption plans and reports on their implementation.



condition in the Ministry of Interior is prepared annually, which is also published on the website of the Ministry of Interior.

A policy for transparency and improving public awareness of the actions taken in the field of prevention and combating corruption in the Ministry of Interior is being implemented.

Anti-corruption training is included in all MOI Acadamey courses and programs (initial training, advanced training, etc.). Courses for updating the professional qualification are conducted. The training focuses on the sectors with the highest risk of corruption.

Every year, the anti-corruption plans of the Ministry of the Interior include measures to improve the qualification of the investigating police officers in the regional directorates. Additionally, trainings have been set for employees dealing with public procurement and providing administrative services to citizens.

Checks of all declarations of incompatibility are carried out, in accordance with the requirements of AFAA and the acts on its implementation, as well as of declarations of property and interests in accordance with the procedure provided by law.

## **B. Prevention**

**21. Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training). Please provide figures for their application.**

CACIAF implements the project "Reforming the integrity checks of employees in CACIAF"<sup>44</sup> funded by the Technical Assistance Instrument. The main goal of the project is to strengthen the integrity system in CACIAF by reforming the framework for checking the integrity of employees. Within the framework of the project, in cooperation with the OECD, new rules will be developed for conducting integrity checks of the employees in CACIAF, including separate rules for the employees of the specialized directorate "Anti-corruption" - new procedures, methodologies, tools. The Commission's Code of Ethics will also be updated, in line with new procedures and international standards and good practices. It is planned to prepare two sets of practical guides/manuals, in accordance with the methodologies and responsibilities of CACIAF, according to the proposed rules for verification of integrity and the proposed amendments to the Code of Ethics.

The Administration of the Council of Ministers is a beneficiary of the project "Progress of the Public Administration Reform"<sup>45</sup>, funded by the European Commission's Structural Reform Support Service. The contractor of the project is the Organization for Economic Cooperation and Development.

Within the framework of the activity, questionnaires from the OECD were distributed to the Bulgarian institutions, as well as a number of meetings were held to clarify the conclusions and recommendations. The report is expected to be ready in early 2022.

The ISJC has taken steps to clarify the standards and expectations regarding the conduct of magistrates by publishing on its website anonymized cases of breaches under Art. 175k of JSA. At present, the bulletin of the Inspectorate contains information on the established breaches of integrity, for which there are effective judicial acts.

In addition, the ISJC continues the implementation of the project "Ensuring software and methodological support and building the administrative capacity of the ISJC for the prevention of corruption in the judiciary", funded by the OPGG<sup>46</sup>. The SJC is a partner in the implementation of the project.

The implementation of the project aims to provide effective measures for prevention of conflicts of interest while ensuring transparency and protection of the independence of the

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<sup>44</sup> The project is implemented jointly with the European Commission, DG Reform and the Organization for Economic Cooperation and Development

<sup>45</sup> One of the goals of the project is to perform an analysis and identify recommendations for improving the integrity of the state administration. On the one hand, the legal framework is considered, focusing on existing regulations and standards, and on the other hand, the institutional framework is analyzed, focusing on existing structures that perform specific functions or coordinate role in the field of integrity.

<sup>46</sup> The Operational Program is co-financed by the European Union through the European Social Fund

judiciary and increase the effectiveness of prevention of conflicts of interest by creating a public electronic register of declarations of property and interests of judges, prosecutors and investigators. To achieve this goal, Internal Rules for verification of property declarations of judges, prosecutors and investigators from isjc teams and internal rules for verification of integrity and conflict of interest and for establishing actions damaging the prestige of the judiciary have been prepared, and inspections related to breaches of the independence of judges, prosecutors and investigators from ISJC teams.

The project envisages the development of two electronic public registers. One is the electronic declarations of circumstances related to the prevention and establishment of conflicts of interest and property declarations, and the other - the recusals, including the requested recusals and the reasons for which they are respected or not for each judge.

In the past 2021, the register of branches was developed and implemented, which ensures publicity and transparency in the work of the courts. A public procurement has been announced under the Public Procurement Act with the subject "Development of an electronic public register of electronic declarations of circumstances related to the prevention and establishment of conflicts of interest and property declarations", and currently the deadline for submission of tenders has not expired. The introduction of the register of declarations will significantly optimize the time for verifying the correspondence between the declared facts and the information received from various state and local authorities on the one hand, and on the other hand - will shorten the time for establishing cases of breaches.

In connection with the establishment of irregularities and the promotion of the submission of signals for corruption, Guidelines for the submission of signals for committed breaches under Chapter Nine, Section Ib of the JSA have been approved.

Representatives of the ISJC actively participated in the working group<sup>47</sup> on the drafting of a bill to transpose into national law the requirements of Directive (EU) 2019/1937<sup>48</sup>.

In the process of preparation and conduct of the public procurements by the Community Support Center (CSC) for the needs of the authorities of the executive power and their administrations, as well as by the Minister of Finance, in his capacity of assignor of public procurements under Art. 5, para. 2, item 4 of the Public Procurement Act, the following anti-corruption measures shall be applied:

Maintaining up-to-date "Internal rules for managing the public procurement cycle and the implementation of concluded contracts" and monitoring compliance with them.

Ensuring full transparency of the administration's activities by regularly publishing information on the Open Data Portal on the planned public procurements of the Community Support Center and the MoF, as well as the framework agreements and contracts concluded as a result.

Attracting independent external experts in the process of preparation of public procurements of significant value and conducting market consultations under Art. 44 of the Public Procurement Act.

Use of non-restrictive and proportional selection criteria in public procurement, in order to provide opportunities for participation of a wide range of market participants, including and small and medium-sized enterprises, which achieves real competition.

Distribution on a rotating basis of the experts involved in the preparation, organization and conduct of public procurement, as well as in the control over the implementation of the concluded framework agreements of the Community Support Center.

Ensuring publicity in the conduct and award of public procurement through the electronic platform Centralized Automated Electronic Public Procurement Information System (CAEPPIS), including by publishing all relevant information and documents from the conducted orders, in accordance with the requirements of the Public Procurement Act and the Public Procurement Act, on the website of the Ministry of Finance and on the public profile of the buyer in the CAEPPIS.

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<sup>47</sup> established by Order № ЛС-13-76/25.06.2021 of the Minister of Justice

<sup>48</sup> Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law

## Public Procurement Agency

In 2021 the development of electronic public procurement continues, and in addition to the introduction of new functionalities in the centralized electronic procurement platform - CAEPPIS, proposals have been prepared for changes in the regulations aimed at bringing it in line with the latest amendments to the Public Procurement Act, effective from 01.01.2021. Proposed changes<sup>49</sup> were adopted by Decree № 167 of 22.04.2021 of the Council of Ministers for amendment and supplement of Regulations for Application of the Public Procurement Act, adopted by Decree № 73 of the Council of Ministers of 2016.<sup>50</sup>

An information event dedicated to CAEPPIS was held on April 28, 2021, and along with the instructions for work with the platform published by the PPA and the written answers to received inquiries, practical consulting assistance was provided through the Customer Service Center.

As of 1 July 2021, the external control of the PPA under Art. 232, Art. 233 and Art. 235 of the Public Procurement Act is implemented in an electronic environment through a module of CAEPPIS created for this purpose.

With a view to further strengthening the capacity and assisting the contracting authorities in the lawful award of public procurements, other actions have been taken related to the carried out random selection control (RSC) under Art. 232 of the Public Procurement Act. Changes have been initiated in the methodology for reporting the level of risk, which is applied in determining the specific procedures. The aim is to increase the number of audited public procurement procedures financed by European funds.

In 2021 the methodological assistance provided by the Public Procurement Agency (PPA) to the contracting authorities includes the provision of explanations on the application of the legislation on public procurement, as well as the issuance of general methodological guidelines on identified significant topics: the application of the exceptions under Art. 14, para. 1, items 5 - 7 of the Public Procurement Act (the so-called "internal" assignment) and the assignment and implementation of public procurements with subject of fuel supply for heating.

In order to promote standardization in the award of public contracts for the supply of liquid fuels for heating and to strengthen the measures for effective control over their implementation, the PPA organizes a public discussion of draft standardized requirements in technical specifications and standardized contractual clauses. After reflecting the comments and suggestions, the final version of the standardized requirements and clauses will be proposed for approval by the Minister of Finance.

In 2021 a report was prepared<sup>51</sup> for the results of the public procurement monitoring covering the period 2018-2020.

All employees of the National Revenue Agency have undergone mandatory electronic self-training in order to get acquainted with the updated Code of Ethics of the National Revenue Agency.

In 2021, a new e-learning course on "Anti-corruption" was developed for employees as part of the established and functioning system for anti-corruption policies in the NRA.

An annual inspection was carried out regarding the existence of circumstances of incompatibility of the NRA employees within the meaning of the special law<sup>52</sup>.

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<sup>49</sup> The changes affect the use of the electronic platform: the signing, encryption and storage of applications and tenders; counting the deadlines for conducting orders; the exchange of documents between the contracting authorities and the PPA during the external preliminary control; the procedure for registration through the system of external experts, which the contracting authorities may use in the preparation and awarding of contracts.

<sup>50</sup> promulgates SG issue no. 35 from 27.04.2021

<sup>51</sup> Data from the Public Procurement Register and information from other bodies, incl. information on the fight against corruption and conflicts of interest in public procurement, provided by the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Commission.

<sup>52</sup> Art. 9 of the National Revenue Agency Act

All new employees in the specialized administration in the National Customs Agency in 2021 have been trained in prevention and counteraction to corruption, conflict of interest and the Code of Conduct for employees in the state administration<sup>53</sup> and the Code of Conduct for Customs officials<sup>54</sup>.

**22. General transparency of public decision-making (e.g. public access to information, including possible obstacles to the classification of information, transparency authorities where they exist, and framework rules on lobbying, including transparency of lobbying, asset disclosure rules, gifts and transparency of political party financing)**

In order to ensure publicity and transparency of the financing related to the election campaigns, in the National Audit Office is established and maintained the Unified Public Register of the parties, coalitions and initiative committees registered for participation in the respective type of election, which is maintained from the opening of the election campaign until the next elections of the same kind. It publishes information about the participants in the elections related to: donors; type, purpose and amount of donations made; the funds provided by the candidates and the members of the initiative committees; the declarations of origin of the donated and provided funds; the reports of the parties, initiative committees and coalitions on revenues, expenditures and payment commitments in connection with the election campaign, etc.<sup>55</sup>

The following is also published on the website of the National Audit Office:

- information on the services provided to the participants in the elections by the media service providers, the sociological and advertising agencies, as well as the public relations agencies.<sup>56</sup>

- the audit reports from the performed audits<sup>57</sup> of parties, coalitions and initiative committees in connection with the financing of their election campaign.

In addition to the provisions of the Election Code on the financing of election campaigns, the Political Parties Act regulates other requirements in order to ensure publicity and transparency of party funding:

Every year the political parties submit to the National Audit Office a financial report for the previous calendar year with a list of individuals, legal entities and sole traders who have made donations, which are published on the website of the institution<sup>58</sup>.

The National Audit Office carries out audits<sup>59</sup> on the consistency of financial activities, revenue, expenditure and management of assets made available to political parties<sup>60</sup> and the audit report is also published.

Political parties create and maintain a public register where information is published on: donations and wills; declarations of origin of the funds, when the donation amounts to more than one minimum wage; owned real estate; disposition transactions with movable or immovable property, the value of which exceeds BGN 1,000; annual financial statements and election campaign reports, etc.<sup>61</sup>

CACIAF developed and submitted to the Managing Authority of OPGG a project proposal entitled "Implementation of Centralized Automated Information System "Corruption Risk Analysis", which will optimize, electrify and automate the processes of processing and verification of declared facts and circumstances, will provide automated electronic data

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<sup>53</sup> adopted by CMD № 57 of 02.04.2020, effective from 09.05.2020

<sup>54</sup> approved by Order № 3MФ-109 from 09.02.2016 of the Minister of Finance

<sup>55</sup> Art. 171 of the Election Code

<sup>56</sup> Art. 172, para. 2 of the Election Code

<sup>57</sup> Art. 172, para. 6 of the Electoral Code "When the declared revenues and the expenditures incurred in relation to the election campaign exceed BGN 1000, the Bulgarian National Audit Office shall perform a compliance audit."

<sup>58</sup> Art. 34 of the Political Parties Act

<sup>59</sup> Art. 35 para. 1 of the Political Parties Act

<sup>60</sup> who in the previous year: have received a state subsidy; used premises provided to them - state or municipal property; participated in elections, if any.

<sup>61</sup> Art. 29, para. 2 of the Political Parties Act

exchange with external systems and registers and will serve as the main tool for conducting corruption risk analysis.

At the moment, the project proposal of CACIAF is at the stage of evaluation by the Managing Authority.

At the same time, with regard to the key activity for the Commission on receiving, processing, verifying and analyzing the declarations of assets and interests of senior public officials, with a decision<sup>62</sup> CACIAF adopted Guidelines for completing and submitting declarations of property and interests under the AFAA, available on the Commission's website.

The Commission has also developed an information brochure to the obligated persons under Art. 6, para. 1, item 32 of AFAA.

### **23. Rules and measures to prevent conflicts of interests in the public sector. Please specify the scope of their application (e.g. categories of officials concerned)**

Establishing a conflict of interest<sup>63</sup> is carried out at the request of the Commission, by decision of the Commission or at the request of a senior public official. Establishing a conflict of interest<sup>64</sup> cannot be performed on an anonymous signal.

An internal rules for receiving and considering signals of corruption or conflict of interest and for protecting the persons who submitted signals and internal rules for providing information on inquiries on the application of CACIAF have been adopted by a decision of CACIAF (*See information under item 20*).

In the field of conflict of interests, in accordance with the requirements of AFAA, as well as the Ordinance on the organization and procedure for verification of declarations and for establishing conflicts of interest, an order of the Executive Director of the NRA was approved to appoint a commission to check for the presence or absence of a conflict of interest.

### **24. Measures in place to ensure whistleblower protection and encourage reporting of corruption.**

By order<sup>65</sup> a working group has been set up to prepare the necessary amendments to transpose into national law the requirements of Directive (EU) 2019/1937<sup>66</sup> by 15 September 2021.

On the Unified Portal of the Executive Authorities of the Justice Sector and on the Portal for Public Consultations, a Consultation document on a Draft Law on the protection of whistleblowers or persons publicly disclosing information on breaches and a Structure of a Draft Law on the Protection of the persons are published.

The project is proposed for inclusion in the legislative program of the Council of Ministers for the first half of 2022. As a new law, the act will require a comprehensive preliminary impact assessment<sup>67</sup>.

Chapter Seven of the AFAA regulates the protection<sup>68</sup> to persons reporting corruption and/or conflict of interest (*See the information under item 20*).

### **25. List the sectors at high risks of corruption in your Member State and list the relevant measures taken/envisaged for monitoring and preventing corruption and**

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<sup>62</sup> under Minutes № 1024 from 08.12.2021

<sup>63</sup> Chapter eight "Conflict of interest" of AFAA.

<sup>64</sup> In Art. 33a of the Regulations on the structure and activity of CACIAF and its administration are detailed the functions and powers of the Conflict of Interest Directorate, in accordance with Chapter Eight of AFAA.

<sup>65</sup> Order № JC-13-76/25.06.2021 of the Minister of Justice

<sup>66</sup> Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law

<sup>67</sup> according to the provision of Art. 20, para. 3, item 1 of the Law on Normative Acts

<sup>68</sup> The employees of CACIAF, who are assigned activities from receipt to ruling on received signals, offer their direct supervisor to take specific measures to protect the identity of the sender of the signal, and if necessary, and data - and measures aimed at preventing action. , through which there is mental and/or physical pressure. Each sender of a signal has the right to signal CACIAF in case of pressure or other actions under Art. 51 of AFAA, exercised against him as a result of the submission of this signal. In special cases, at the request of the chairperson of CACIAF, assistance may be sought from the bodies of the Ministry of Interior to take additional measures to protect the person who submitted the signal.

**conflicts of interest in these sectors. (e.g. public procurement, healthcare, citizen investor schemes, risk or cases of corruption linked to the disbursement of EU funds, other).**

In fulfillment of the obligations of CACIAF, regulated in Art. 30, item 1 of AFAA, an Analysis of the compliance of anti-corruption plans for 2021 has been prepared and published<sup>69</sup> of primary and secondary budget managers with the requirements of the Guidelines for drawing up anti-corruption plans, adopted by the National Council on Anti-Corruption Policies. The analysis revealed that the corruption risks specifically identified by the departments are divided into areas as follows:

- 96 risks in area 1 "Corruption risk - management, disposal or spending of budget funds and assets, including procurement";
- 148 risks in area 2 "Corruption risk - control activities";
- 61 risks in area 3 "Corruption risk - provision of administrative services, concessions, issuance of licenses and permits, registration regimes";
- 17 risks in area 4 "Corruption risk - competitive procedures/competitions for entering persons in registers or for performing regulated professions";
- 44 risk in area 5 "Corruption risk - gaps in laws and unclear legislation, presupposing contradictory interpretation and/or application of regulations";
- 73 risk in area 6 "Other measures in view of the specific risks in the respective departments";
- 117 risks in area 7 "Publicity measures".

As a result of the process of summarizing and grouping the specifically identified corruption risks by the departments, a synthesized list of corruption risks by areas from the model of the anti-corruption plan has been prepared.

In accordance with the requirements of the national strategic documents, every year the NRA prepares and approves an anti-corruption plan<sup>70</sup>.

The implementation of the measures on the identified corruption risks in the main business processes of the NRA - "Control", "Collection" and "Service" functions is performed annually.

The Ministry of Health has identified a high risk of corruption in the following sectors: Management, disposal or spending of budget funds and assets, including procurement; Performing control activities; Provision of administrative services, concessions, issuance of licenses and permits, registration regimes; Competitive procedures/competitions for entering persons in registers for performing normatively regulated professions.

For each of these sectors with a high risk of corruption, a number of measures are envisaged, which are part of the annual anti-corruption plan of the Ministry of Health and secondary spending units, approved by the Minister of Health. A report is prepared on the implementation of the anti-corruption plan. In case of non-fulfillment of any of the set measures, the report shall state the reasons for the non-fulfillment.

The following measures are envisaged for implementation: Involvement of a larger number of experts in the preparation of technical assignments and technical specifications for public procurement and application of the rotation principle for the employees included in the commissions under the Public Procurement Act; Separation of procurement from control in

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<sup>69</sup> The analysis takes into account the amendments to the Guidelines, adopted at a meeting of the National Council on Anti-Corruption Policies held on January 21, 2021. The changes in the Guidelines are related to the proposals made by CACIAF in the 2018, 2019 and 2020 analyzes of anti-corruption plans and reports on their implementation.

<sup>70</sup> The current Anti-Corruption Plan of the National Revenue Agency for 2021 identifies the main corruption risks and sets out adequate measures to minimize and prevent them. The measures cover areas such as: improvement of internal acts in the field of public procurement; activities aimed at limiting corruption risks in the field of control activities, incl. measures in respect of obligated persons engaged in goods with high fiscal risk; automation of processes related to the activity of public contractors; expanding the scope of electronic services in the National Revenue Agency; training; conducting annual surveys of business and customer satisfaction with the provided electronic services, as well as conducting a survey on business attitudes to the control actions of the NRA, etc. With regard to the measures, in-depth and regular reporting is carried out in order to strictly implement them and achieve the intended effect.

public procurement; Prevention - analysis of the current rules, instructions and methodologies of administrative structures and secondary budget managers at the Minister of Health, in order to identify opportunities for establishing corrupt practices and on this basis to amend them to cross these opportunities; Introduction of the principle of re-inspections of sites by another team; Rotation of employees from the units with control functions; Establishment of an electronic system for data entry and circumstances within the statutory deadlines in the Executive Agency Medical Supervision; Development of unified for all regional health inspections, procedures and samples of documents for the provision of administrative services; Development of specific internal rules and procedures for declaring and establishing conflicts of interest of employees evaluating applications for authorization of trade in medicinal products and evaluating clinical trials in the Bulgarian Drug Agency; Conducting trainings on prevention and counteraction to corruption and conflict of interests in the structural units of the Ministry of Health and the secondary budget managers at the Ministry of Health.

After exchanged correspondence and talks with representatives of the Center for the Study of Democracy (CSD), in early December 2021 an agreement was reached to jointly conduct a study to assess domestic policies and measures to combat corruption risks in the NCA, which will start in early 2022. The methodology developed by the CSD will be used with the support of the European Commission.

Risk sectors are state and local authorities, where inefficient governance practices create conditions for institutional corruption. Some of the corruption offences in the sector are committed during public procurement, which continue to be characterized by high levels of corruption risk. Significant corruption schemes are hidden in the distribution of public funds. The local government has wide operational autonomy, which is not accompanied by sufficient mechanisms for internal and external control. There are abuses of official position by officials in issuing administrative decisions on coordination, registration, permit and licensing regimes and administrative services. There are corruption in the labor offices, state forestries and the forest fund. There are also corrupt practices in the revenue administration - NRA, as well as in the one that operates at the border checkpoint.

In the judiciary, corruption is associated with the concealment of a crime or offense and has the effect of thwarting the punishment that the perpetrator must bear. The manifestations here may be in relation to the establishment and registration of a committed crime; drawing up acts; imposition of fines and other types of sanctions; refusal to initiate preliminary proceedings; termination of preliminary proceedings or return for further investigation, etc.

The draft National Recovery and Resilience Plan has incorporated measures aimed at combating corruption with an implementation deadline of 2026 based on the European Commission's reports under the horizontal Rule of Law Mechanism. The measures have been aimed at:

- introducing periodic independent analyzes of the implementation of the National Strategy for Prevention and Counteraction Corruption (2021-2027) and a Roadmap for the implementation of the National Strategy for Prevention and Counteraction Corruption (2021-2027);
- strengthening the capacity and increasing the transparency of anti-corruption authorities / units; strengthening the capacity of the ISJC to prevent and combat corruption among members of the judiciary and the establishment of an Advisory Board;
- increasing the integrity of public administration employees and providing measures to prevent corrupt practices; introduction of tools for counteracting corruption and promoting integrity in the work of public enterprises;
- whistleblowers' protection by the means of drafting and adopting a concept for regulation of lobbying and adoption of legislative measures, etc.

The most common corrupt practices in the healthcare sector have been related to the provision of material benefits or the payment of a certain amount outside the officially regulated fees. In addition, corrupt practices such as false hospitalizations and "writing" of the costs

actually incurred, which hospitals claim for reimbursement by the NHIF for the absorption of funds through clinical pathways, are particularly damaging. A chronic problem in healthcare is also the unregulated obligations when certifying patients for permanent incapacity for work, which leads to a burden on the state's social security system. The pharmaceutical market also provokes serious corruption and lobbying at all levels of healthcare. The supply of medicines and medical equipment for medical institutions is one of the weak points in the healthcare system. There are also breaches and abuses in the distribution of drugs on the market and on the Internet.

In order to take effective measures to counteract the breaches in the field of healthcare, information is regularly exchanged between the Ministry of Interior, the Ministry of Health and the control authorities. Meetings are held with representatives of NGOs in order to obtain information about breaches and the reasons for this. Together with the Bulgarian Drug Agency, in the presence of data, inspections are carried out in pharmacies and pharmacy warehouses.

The management and absorption of financial resources from the European Union funds in Bulgaria is a vulnerable area related to risks of corruption among state and municipal structures. The most risky are the operational programs related to agricultural land cultivation, cultivation of agricultural crops, conducting trainings, construction of guest houses, infrastructure projects, provision of services, the value and actual implementation of which are difficult to establish and control.

In order to cooperate in obtaining information and revealing committed corruption offences, meetings are regularly held with representatives of non-governmental organizations, civil associations, representatives of branch organizations and representatives of companies.

Prevention of corruption in the Ministry of Interior includes the implementation of many complex measures, such as e-services, anti-corruption training, rotation of employees engaged in risk-related areas of corruption or activities such as border control, road control, administrative services and more. A significant anti-corruption measure is the construction of video surveillance of road control, which in 2020 was expanded in terms of security. 680 company cars were equipped with the video surveillance system (*data for the first period of 2021*). For 2021 were viewed 3,395,936 video files with information received by the system. Data on the punishment of 319 police officers have been received.

Work is underway to upgrade the capacity of the Ministry of Interior to prevent corruption in the field of public procurement. Rotations of the members of the commissions are carried out during the procedures under the Public Procurement Act, current rules for managing the public procurement cycle in the Ministry of Interior and all contracting authorities are maintained.

In 2021, 126 signals were received against employees of the DGBP. Pre-trial proceedings and 5 disciplinary proceedings were instituted against 9 employees for a serious breach of official discipline. Disciplinary sanctions "dismissal" were imposed on 6 employees, and other disciplinary sanctions were imposed on 12 employees. Inspections against 25 employees of the DGBP continue.

## **26. Measures taken to assess and address corruption risks in the context of the COVID-19 pandemic.**

In view of the authority of CACIAF to coordinate each bill prepared by the executive authorities on the existence of corruption risk, the prepared opinions and decisions of CACIAF assess the risks, the presence of preconditions that generate corruption risk and propose appropriate measures for minimization, including with regard to action in the context of the fight against the COVID-19 pandemic.

## **27. Any other relevant measures to prevent corruption in the public and private sector**

At the end of 2020, the NRA launched a CSD project to assess the effectiveness of domestic policies and measures to combat corruption risks<sup>71</sup>. As a result of this activity, an

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<sup>71</sup> The project was implemented in 2020 on the initiative and with the support of the Directorate-General for Migration and Home Affairs of the European Commission in four EU countries.



evaluation report was prepared, which established that the main risk areas are well covered by relevant anti-corruption policies/measures taken by the NRA, and that the management has identified and addressed them through effective measures. counteraction.

NRA participates in a project of the General-Directorate "Reforms" at the EC on "Development and implementation of a methodology for assessing corruption risk in the National Revenue Agency of the Republic of Bulgaria"<sup>72</sup>. Currently, a contractor has been selected and meetings have been held with representatives of the NRA and the contractor.

With an act of the Council of Ministers<sup>73</sup> new Rules of Procedure of the Customs Agency have been adopted<sup>74</sup>. According to Art. 41 of the Structural Rules of the Administrative Court, the customs officers shall submit a declaration with which they give consent for disclosure of banking secrecy in the cases provided by law, and in accordance with Art. 42, para. 1 and para. 2 of the same regulations, on the grounds of Art. 10, para. 7 of the Customs Act, the director of the NCA annually till May 31 requires from the authorities of the National Revenue Agency the available data on the income and property of the customs officers. The information provided by the NRA authorities is used for the purposes of internal inspections.

### **C. Repressive measures**

#### **28. Criminalization, including the level of sanctions available by law, of corruption and related offences including foreign bribery.**

An interdepartmental working group on the recommendations of the Report on Phase 4 for the Republic of Bulgaria of the Working Group on Combating Bribery in International Trade Transactions of the Organization for Economic Cooperation and Development (OECD) and other international organizations is forthcoming. The need for legislative amendments is in connection with the report for the Republic of Bulgaria in Phase 4, which traces in detail the implementation of the recommendations of the report of the Phase 3 inspection in 2011 and provides analysis of key issues related to detecting the crime of bribery, law enforcement and the responsibility of legal entities.

#### **29. Data on the investigation and application of sanctions for corruption offences, including for legal persons and high level and complex corruption cases) and their transparency, including as regard to the implementation of EU funds.**

In 2021, a total of 30 cases related to corruption offences were initiated in the Supreme Court of Cassation ( **Annex 1 - list of initiated cases** ).

During the past year, court decisions of the Supreme Court of Cassation issued 19 decisions in cases related to corruption offences (**Annex 2 - list of issued decisions**). The most significant among them are against:

- investigating customs inspector at the Customs - Burgas, misappropriated money in the total amount of BGN 464,652.24, entrusted to him to keep them, and he was sentenced to: 7 years of imprisonment, "deprivation of the right to hold a state or public office related to the management, control and management of public property "for a period of 10 years; "Deprivation of the right to exercise a profession or activity related to the safekeeping, management, control and reporting of other people's property" for a period of 10 years;

- a lawyer who, under the conditions of a continuing crime, illegally misappropriated the sum of BGN 144,550.79, owned by the Municipality of Rakitovo, which he owned, after the amount was transferred at his request to bank accounts specified by him, withdrawing the received amount at the cash desk in a bank branch. He was sentenced to 4 years of imprisonment and "deprivation of the right to practice law" for a period of 5 years. With the same sentence 2 years of imprisonment with a probation period of 3 years and "deprivation of the right to hold public office - municipal councilor" for a period of 3 years a municipal councilor in the Municipal Council - Rakitovo was sentenced, who in his capacity as an official - acting mayor of the Municipality of Rakitovo, has not taken sufficient care of the management of the

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<sup>72</sup> The project aims to develop a methodology for assessing and managing the risk of corruption in the NRA, incl. system for monitoring and evaluation of planned and implemented anti-corruption policies and measures.

<sup>73</sup> Decree № 227 of 13.07.2021 of the Council of Ministers

<sup>74</sup> Promulgated SG, issue no. 59 from 16.07.2021, in force since 31.07.2021

executive activity of the municipality and its assigned work and this has caused significant damage to the Municipality of Rakitovo in the amount of BGN 76,454.58;

- director of the Regional Service "Agriculture" - Dobrich, who in order to obtain a benefit for someone else (for two companies) has not fulfilled its official duties and as a result of his inaction could have important harmful consequences. He was sentenced to 3 years of imprisonment, the serving of which was postponed under Art. 66 of the Criminal Code for a period of 5 years, and "deprivation of the right to hold state or public office" for a period of 5 years.

- mayor of the Municipality of Vetovo - for misappropriation of entrusted to him to manage foreign money, and in order to facilitate it he committed another crime, for which no more severe punishment is provided, resulting in significant damage to the Municipality of Vetovo; concluding an unprofitable deal, which resulted in significant damages for the Municipality of Vetovo in the amount of BGN 28,311.36; abandoning, which resulted in significant damage to the Municipality of Vetovo in the amount of BGN 61,933.30 and a misdemeanor. The civil claim in the amount of BGN 61,933.30 in favor of the Municipality of Vetovo was upheld.

The appendix to this information presents data on the cases initiated by the Prosecutor's Office of the Republic of Bulgaria for corruption offences (**Annex 3**), as well as for offences related to EU funds (**Annex 4**) for the period 2019 - the nine months of 2021.<sup>75</sup>

During the period 1 January - 15 December 2021 on the territory of the country the Ministry of Interior registered 90 real corruption offences (according to the Unified Catalog of Corruption Offences in the Republic of Bulgaria, approved by order of the Prosecutor General), or 16.7% less than the same period in 2020 (108). The offences of officials with probable corruption motives are 135, or 11.2% less than in the same period of 2020 (152), and the abuses of official position of officials and offences of non-officials with probable corruption motives are 181 (11.3% less than the same period last year, 204 offences).

For the same period, the detection rate for all three groups of offences increased compared to the same period in 2020, with the highest in real corruption offences - by 6.4 points (83.3% in 2021 compared to 76.9% in 2020 d.). This is followed by the offences of officials with probable corruption motives - an increase of 4.7 points (18.5% in 2021 compared to 13.8% in 2020) and the abuse of office of officials and offences of non-officials with probable corruption motive - by 2 points more (17.7% for 2021 compared to 15.7% for 2020).

From the beginning of 2021 to 15.12.2021, a total of 133 perpetrators were identified for the three groups of offences (145 for the same period in 2020), most of them perpetrators of genuine corruption offences.

The greatest damage to the state budget was caused by offences of officials with probable corruption motives, followed by abuses of official position of officials and offences of non-officials with probable corruption motives.

In 2021, the Internal Affairs Directorate worked on 1478 signals with data on possible offences committed by employees of the Ministry of Interior, including acts of corruption. 85 pre-trial proceedings have been instituted in various prosecutor's offices in the country against 56 employees of the Ministry of Interior. Disciplinary sanctions were imposed on 364 employees, 13 of whom were fired from the Ministry of the Interior.

### **30. Potential obstacles to investigation and prosecution as well as to the effectiveness of sanctions for high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, pardons)**

See the information under item 20.

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<sup>75</sup> According to the approved by the Instruction for organization of information activity (IOIA) periodicity of collection and summarization of statistical information on the activity of the PORB, the data for 2021. are relevant for the nine months.

**31. Information on the effectiveness of administrative measures and sanctions, in particular recovery measures and administrative sanctions for both public and private offenders.**

**Other - please specify**

### **III. Media Freedom and Pluralism**

#### **A. Media authorities and bodies**

**32. Measures taken to ensure the independence, enforcement powers and adequacy of resources of media regulatory authorities and bodies**

In 2021 there are no changes in the legislation in this area.

Regarding the adequacy of the resources of the media regulator, as stated in the 2021 Report, there are insufficient guarantees for the financial support of the activity. With the State Budget Act of the Republic of Bulgaria for 2021, additional funds are included in the budget of the CEM. According to the envisaged additional costs for 6 new full-time positions, the Council's staffing schedule has already been changed, competitions have been held in accordance with the Civil Servants Act and employees have been appointed.

**33. Conditions and procedures for the appointment and dismissal of the head/members of the collegial body of media regulatory authorities and bodies**

Information on how to set up the regulatory body is provided and contained in the 2020 Report.

There are no changes in the legislation related to this topic.

#### **34. Existence and functions of media councils or other self-regulatory bodies**

Information on the changes in the RTA from the end of 2020 related to self-regulation and co-regulation was provided by the Council during the preparation of the EC Report for 2021, but is not included in it.

There are no changes in the legislation related to this topic.

**B. Transparency of media ownership and safeguards against government or political interference**

**35. Measures taken to ensure a fair and transparent allocation of state advertising (including any rules regulating the matter)**

A report on the implementation of the Methodology for the allocation of financial resources for information and communication of the operational programs and financial instruments co-financed through the ESIF shall be published quarterly<sup>76</sup>. The implementation of all contracts for information and communication activities carried out by the Managing Authorities (MA) of the programs are public and are available every month on the Single Information Portal<sup>77</sup>.

#### **36. Safeguards against state/political pressure, in particular:**

**- safeguards to ensure editorial independence of media (private and public)**

There is no change in the legal framework, including the possibility for political entities to own media service providers.

**- specific safeguards for the independence of governing bodies of public service media governance (e.g. related to appointment, dismissal) and safeguards for their operational independence (e.g. related to reporting obligations),**

According to the RTA, the governing authorities of the two national public providers are the Management Board and the Director General of the BNR, respectively of the BNT.

<sup>76</sup> <https://www.eufunds.bg/bg/node/464>

<sup>77</sup> <https://www.eufunds.bg/bg/node/456>

The Directors General of the Bulgarian National Radio and the Bulgarian National Television and the members of the Management Boards carry out their activities on the basis of contracts entrusting them with management. According to a clause in the contracts of the directors-general, they submit to the CEM a report on their activities every 6 months.

In 2021, there are no legislative changes regarding public media.

**- procedures for the concession/renewal/termination of operating licenses**

RTA provides for different regimes for carrying out activities: licensing and registration for providers of linear media services (depending on the method of distribution); notification for non-linear media service providers and video sharing platforms.

A license is issued using a limited frequency resource for the distribution of a linear media service (radio and television). The procedure is competitive and is regulated in detail in the law. The RTA links the issuance of a license by the CEM with the issuance of a permit for the use of a limited resource - radio frequency spectrum by the Communications Regulation Commission. Licenses are issued for up to 20 years. The term may be extended by a decision of the Council at the request of the licensee. The term of the permit for use of the individually determined limited resource - radio frequency spectrum must correspond to the term of the license.

**- information on specific legal provisions for companies in the media sector (other than licensing), including as regards company operation, capital entry requirements and corporate governance**

Detailed information was provided by the Council in a letter to the Ministry of Foreign Affairs dated 22 October 2020 in connection with the preparation of an action plan in the field of "Media Pluralism".

**37. Transparency of media ownership and public availability of ownership information, including on media concentration (including all rules regulating the matter)**

A revision of the amendments introduced in 2018 is underway <sup>78</sup> in CDCPOWADSMSA. A problem for law enforcement is the anonymity of the owners of online information platforms. The issue of the positioning of the regulation in an independent state body is also raised. A draft of the LAS to the CDCPOWADSMSA is being developed in a working group with the participation of professional associations of media and journalists. An annual commemorative campaign was held as part of the 2021 declaration campaign. Internal rules for control activities in the specialized directorate "Copyright and related rights" have been approved.

**C. Framework for journalists' protection**

**38. Rules and practices guaranteeing journalist's independence and safety**

Information on these issues is provided by the CEM and is contained in the 2020 and 2021 Reports.

There are no changes in the legislation related to this topic.

Regardless of whether the target is journalists or representatives of other professions, each signal is processed professionally and thoroughly and reported to the Prosecutor's Office.

**39. Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists**

See the information provided in connection with the previous question.

**40. Access to information and public documents (including procedures, cost/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities)**

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<sup>78</sup> The amendments introduced an obligation for suppliers to declare their beneficial owner annually and funding received in the previous year.

In 2021, models of internal rules for work under the Access to Public Information Act (APIA) were developed<sup>79</sup>.

In the implementation of a project<sup>80</sup> a handbook was developed<sup>81</sup> on the application of the APIA.

#### **41. Lawsuits (including SCPAPP - Strategic Court Proceedings Against Public Participation) and convictions against journalists (including defamation cases) and measures taken to safeguard against abusive lawsuits**

Information on cases against journalists is provided in **Annex 5** to this contribution.

An open discussion on "The State and the Media" was organized at the initiative of the Ministry of Culture<sup>82</sup> with broad participation of all departments and stakeholders - 15 June 2021.

It was attended and debated by more than 70 representatives of various institutions, organizations, public and commercial media. The event was also broadcast online, which allowed it to be followed by many other stakeholders.

Participation of the Council of Ministers in the Council of Europe Conference of Ministers responsible for Media (10-11 June 2021, Nicosia, Cyprus), which discussed the impact of digital technologies on freedom of speech, media environment, security of journalists, in order to ensure Sustainability of freedom of expression in times of crisis. Following the debate, ministers adopted a final declaration and four resolutions<sup>83</sup>.

**Other - please specify**

### **IV. Other Institutional Issues related to Checks and Balances**

#### **A. The process of drafting and enacting laws**

#### **42. Framework, policy and use of impact assessments, stakeholder/public consultations (particularly consultation of the judiciary and other stakeholders on judicial reform), and transparency and quality of the legislative process**

The preparation of impact assessments of the legislation is an integral part of the Bulgarian rule-making process, in accordance with the provisions of the Law on Normative Acts (LNA)<sup>84</sup>, Rules of Organization and Procedure of the National Assembly (ROPNA)<sup>85</sup> and the Ordinance on the scope and methodology for conducting impact assessments of the Council of Ministers<sup>86</sup>.

The results of the surveys of the legislative activity of the National Assembly, conducted by the National Center for Parliamentary Research, confirm the trend indicated in the 2021 Rule of Law Report for limited use of public consultations in the legislative initiatives of MPs<sup>87</sup>.

<sup>79</sup> <https://pitay.government.bg/PDoiExt/sectionDetailsView.jsf?idPubl=2160&codeSect=1>

<sup>80</sup> № BG05SFOP001-2.001-0001 "Improvement of the processes related to the provision, access and re-use of public sector information", funded by the Operational Program "Good Governance"

<sup>81</sup> <https://strategy.bg/Publications/View.aspx?lang=bg-BG&categoryId=&id=332&y=&m=&d=>

<sup>82</sup> The initiative is also part of Bulgaria's commitments in the Plan for Implementation of Measures in Response to the Recommendations and Challenges contained in the 2020 Rule of Law Report of the European Commission from 30 September 2020.

<sup>83</sup> Resolution on freedom of expression and digital technologies; Resolution on the safety of journalists; Resolution on the changing paradigm in the media and information; Resolution on the impact of the COVID-19 pandemic on freedom of expression; Joint declaration.

<sup>84</sup> Promulgated SG issue No. 27 of 3 April 1973, amended SG issue No. 65 of 21 July 1995, amended SG issue No. 55 of 17 June 2003, amended SG issue No. 46 of 12 June 2007, amended and supplemented SG issue No. 34 of 3 May 2016

<sup>85</sup> Promulgated SG issue No. 109 from 21 December 2021

<sup>86</sup> Art. 72, para. 2 from ROPNA

<sup>87</sup> The views of the representatives of the interested parties are not included in the reasons of 98.5% of the bills submitted during the mentioned period. Also, for the same period, the reasons did not indicate information about public consultations or discussions organized by the petitioner to determine the problems and reasons for the adoption of the bill.

To overcome this trend, as a mandatory part of the procedure for adopting laws, with ROPNA<sup>88</sup> requirements have been introduced for conducting public hearings and publishing their results. According to Art. 73, para. 10 of ROPNA, at the first vote the Committee in charge shall hold a public discussion of the bills, including the ones submitted by the Members of Parliament, in compliance with Art. 31 of ROPNA and after the expiration of the deadlines set for opinions. In Art. 73, para. 11 of ROPNA a requirement has been introduced in the report of the Committee for the first vote to contain the results of the public discussion and the examination under Art. 72, para. 2 of ROPNA<sup>89</sup>, and an assessment of the expected consequences of the application of the future law, including the financial ones, as well as a summary of the opinions received and a summary opinion of the Committee.

The practice established in the ROPNA on bills submitted by MPs, the chairperson of the leading committee to request an opinion from the Council of Ministers or the relevant line minister, as well as from the interested organizations continues.

According to Art. 73, para. 3-6 of the ROPNA for the bills:

- regulating labour and social insurance relations, the Chairperson of the Committee in charge shall request an opinion from the National Council for Tripartite Cooperation;

- regulating the rights of persons with disabilities, the Chairperson of the Committee in charge shall request an opinion from the National Council for the Integration of Persons with Disabilities. - concerning the judiciary, the chair of the steering committee requests an opinion from the SJC;

- related to the judiciary power, the Chairperson of the Committee in charge shall request an opinion from the Supreme Judicial Council.

In 2021, the systematic efforts of the executive branch to improve the rule-making process in the executive branch and strengthen the system for assessing the impact of regulations continue. An ex-post impact assessment of the LNA has been launched, which aims to analyze the regulatory reform of 2016, as well as to assess the possibility of developing a new LNA to incorporate the decree on its implementation (the decree was adopted by a body not provided for in the Bulgarian Constitution).

The Institute of Public Administration performed an analysis of the implementation of the impact assessment and public consultations at the local level in Bulgaria<sup>90</sup>.

The Annual Impact Assessment Report for 2020 was prepared and approved by the Administrative Reform Council on 7 April 2021<sup>91</sup>.

In 2021, a follow-up impact assessment was carried out - of the Labor Migration and Labor Mobility Act<sup>92</sup>.

#### **43. Rules and use of fast-track and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)**

For quick or urgent adoption of the laws, the following possibilities are provided in the Rules of Organization and Procedure of the National Assembly:

- according to Art. 76, para. 1 and 2 of ROPNA, the National Assembly shall adopt the bills in two votes, conducted in two separate sittings, but may decide, by way of exception, that the both votes shall be conducted in one sitting; this provision shall apply only if no proposals for amendment or supplement of the bill have been made during the discussion;

- with Art. 77, para. 1 and Art. 78, para. 1 of ROPNA provides for two possibilities for shortening the deadlines for the adoption of laws related to the introduction of requirements of the European Union law or with initiated procedure for nonfeasance, deriving from from the European Union law.

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<sup>88</sup> <https://www.parliament.bg/bg/podns>

<sup>89</sup> Art. 72, para. 2 from ROPNA

<sup>90</sup> <https://strategy.bg/Publications/View.aspx?lang=bg-BG&categoryId=&Id=334&y=&m=&d=>

<sup>91</sup> <https://strategy.bg/Publications/View.aspx?lang=bg-BG&categoryId=16&Id=330&y=&m=&d=>

<sup>92</sup> <https://strategy.bg/Publications/View.aspx?lang=bg-BG&categoryId=16&Id=234&y=&m=&d=>

#### **44. Regime for constitutional review of laws**

#### **45. COVID-19: provide update on significant developments with regard to emergency regimes in the context of the COVID-19 pandemic**

##### **- judicial review (including constitutional review) of emergency regimes and measures in the context of the COVID-19 pandemic**

In 2021, by decisions of the Council of Ministers, the term of the declared emergency epidemic situation was extended several times and it is currently extended until March 31, 2022 .

The introduction of temporary anti-epidemic measures continues. Periodically, after monitoring a number of indicators characterizing the epidemic process of COVID-19 in the country, the measures are updated.

Pursuant to Art. 60, para. 5 and Art. 61, para. 17 of the Health Act in 2021 a draft ordinance on the terms and conditions for conducting diagnostics, prevention and control of COVID-19 has been prepared.

##### **- oversight (incl. ex-post reporting/investigation) by Parliament of emergency regimes and measures in the context of COVID-19 pandemic**

In relation to dealing with the effects of the COVID-19 pandemic:

a) the 44<sup>th</sup> National Assembly on 5 March 2021 adopted a decision<sup>93</sup> instructing the Council of Ministers to take all necessary action to consult the European Commission in a timely manner with a view to exploring the possibility of purchasing vaccines in connection with the COVID-19 pandemic that have been authorized in countries outside the European Union or the European Economic Area.

On 28 January 2021 and 12 February 2021, the Law on Measures and Actions during the State of Emergency, declared by a decision of the National Assembly of 13 March 2020, and on overcoming the consequences was amended and supplemented.

With the amendment of 28 January 2021 of the law, published in the State Gazette, issue No. 11 of 2021, the conditions and the procedure for the introduction of anti-epidemic measures related to the electoral process in connection with the conduct of the elections in 2021 were regulated.

With the amendment of 12 February 2021 of the law, published in the State Gazette, issue No. 14 of 2021, it was provided as follows:

- up to two months after the lifting of the epidemic emergency, no precautionary measures, including not subject to execution of arrest warrants;

- for the period from 1 January 2021 to two months after the cancellation of the extraordinary epidemic situation not to offset the transfers to be granted to the municipalities with the non-repaid interest-free loans provided by the central budget of the municipalities under Art. 103 and 130g, para. 1 of the Public Finance Act, and under § 38 of the transitional and final provisions of the Law on amendment and supplement of the Health Act (SG, issue no. 44 from 2020), as well as for the same period on the outstanding amount of these interest-free loans not to owe interest in accordance with the Interest on Taxes, Fees and Other Similar State Receivables Act; There is a possibility for the Ministry of Health to pay additional remuneration for the results achieved by employees in the system of the Ministry of Health and its subordinate budget managers working in unfavorable working conditions during the declared state of emergency, respectively for the emergency epidemic situation, including vaccines against COVID-19; the conditions for providing grants to micro, small and medium-sized enterprises, which have ceased their activities after November 1, 2020 in an emergency epidemic situation, pursuant to an order of the Minister of Health, have been amended; persons have been identified to whom in 2021 vaccines against COVID-19 may be administered under the conditions and procedure specified in the National Plan for Vaccination against COVID-19 in the Republic of Bulgaria, adopted by Decision № 896 of the Council of Ministers of 7 December 2020; conditions for application of tax reliefs have been settled.

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<sup>93</sup> The decision was promulgated in the State Gazette, issue no. 20 from 2021

On 25 February 2021 the 44th National Assembly also adopts the Law on amendment and supplement of the the Health Insurance Act, which provides for the repeal of emergency, respectively the extraordinary epidemic situation, exceptionally in 2021 the mechanism of Art. 45, para. 31 shall not be applied for the medicinal products, obtained from human plasma or from human blood - immunoglobulins, included in the Positive Drug List under Art. 262, para. 6, items 1 and 2 of the Medicinal Products in Human Medicine Act, paid by the NHIF in full or in part for home treatment on the territory of the country or in the hospital medical care beyond the value of the provided medical services. The law was promulgated in the State Gazette, issue No. 21 of 2021

b) the 46<sup>th</sup> National Assembly:

- on 7 September 2021 adopted the Law on Ratification of the Donation Agreement SANTE/2020/C3/082-DC-BG of all-in-one antigen test kits for the diagnosis of COVID-19 of the Republic of Bulgaria by the European Commission and the second Donation Agreement SANTE/2020/C3/082-DC-BG of all-in-one antigen test kits for diagnostics of COVID-19 of the Republic of Bulgaria by the European Commission;

- on 8 September 2021 adopted the Law on Ratification of the Tripartite Donation Agreement from and between the Republic of Bulgaria and the Republic of Northern Macedonia and Pfizer Inc. and BioNTech Manufacturing GmbH on the management and coordination of the COVID-19 vaccine donation, developed by Pfizer Inc. and BioNTech Manufacturing GmbH, and the Donation Agreement between the Republic of Bulgaria and the Republic of Northern Macedonia;

- on 15 September 2021 adopted the following 4 laws: - Law on Ratification of the Tripartite Donation Agreement of COVID-19 Vaccines produced by AstraZeneca between the Republic of Bulgaria, the Kingdom of Bhutan and AstraZeneca and Bilateral Donation Agreement of COVID-19 Vaccines , manufactured by AstraZeneca, between the Republic of Bulgaria and the Kingdom of Bhutan; - Law on Ratification of the Tripartite Donation Agreement of COVID-19 Vaccines produced by AstraZeneca between the Republic of Bulgaria, Bosnia and Herzegovina and AstraZeneca and the Bilateral Donation Agreement of COVID-19 Vaccines produced by AstraZeneca between the Republic of Bulgaria and Bosnia and Herzegovina; - Law on Ratification of the Agreement on Resale of Vaccines from and between the Republic of Bulgaria and the Kingdom of Norway on Resale of Vaccine Doses to Modema Switzerland GmbH against COVID-19; and - Law on Ratification of the Tripartite Donation Agreement of COVID-19 Vaccines produced by AstraZeneca between the Republic of Bulgaria, the People's Republic of Bangladesh and AstraZeneca and the Bilateral Donation Agreement of COVID-19 Vaccines produced by AstraZeneca between Bulgaria and AstraZeneca People's Republic of Bangladesh.

c) the 47<sup>th</sup> National Assembly on December 30, 2021 adopted the Law on amendment and supplement of the Value Added Tax Act, who with the TFP also amended § 10 from the Law for amendment and supplement of the Local Taxes and Fees Act (promulgated, SG issue no. 71 from 2020; supplemented issue no. 107 from 2020). The Law for amendment and supplement of the Value Added Tax Act aims to extend the period of application of the reduced VAT rate for certain supplies. The law was promulgated in the State Gazette, issue no. 111 from 2021

All laws adopted in 2021 by the National Assembly are publicly available<sup>94</sup>.

Four court cases have been raised against the decisions of the Council of Ministers to declare a state of emergency, and two of them have been terminated. The other two cases are scheduled for 2022.

Regarding the amendments to the Health Act, providing powers to the Council of Ministers to declare an emergency epidemiological situation for a certain period, a case has been initiated in the Constitutional Court of the Republic of Bulgaria. The request to declare this power of the Council of Ministers unconstitutional was rejected, as the court accepted that the decision of the Council of Ministers to declare an emergency epidemic situation is in line with the powers of the Council of Ministers to manage and implement health policy. The

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<sup>94</sup> <https://www.parliament.bg/bg/laws>



decision of the Council of Ministers and the orders of the Minister of Health and the director of the respective regional health inspection for introduction of temporary anti-epidemic measures are subject to control by the order of the Administrative Procedure Code.

## **B. Independent authorities**

### **46. Independence, resources, capacity and powers of national human rights institutions ("NHRIs"), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions**

When issuing a decision of the Commission for Protection against Discrimination (CPD), each of the members of the relevant panel has the right to form their own opinion on the reasons for the decision and in case of disagreement has the right to express their special opinion in writing, which is an integral part of the decision. The term of office of the current panel expires in 2022.

The National Audit Office adopts an annual audit program. Only the National Assembly may, by its decision, assign to the National Audit Office to perform up to 5 audits per year beyond those provided for in the annual program. The annual program for the audit activity of the National Audit Office is submitted to the National Assembly, and in the part for the audit of the accounts for the funds from the European Union it is sent to the European National Audit Office and the European Commission.

In 2021, the institution of the Ombudsman of the Republic of Bulgaria continued to provide active support to citizens in defending their fundamental rights and freedoms. The trend of increasing both the number of complaints received and the total number of citizens who received assistance from the ombudsman institution continues. No attempts have been made to limit the ombudsman's independence, but no additional funds have been provided to strengthen the institution's capacity in view of its expanded functions.

### **47. Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years.**

In 2021, 14,729 complaints and signals from citizens were considered and closed at the ombudsman institution. Nearly 40% of them have been found to be in violation. A total of 1,032 recommendations and 3,832 opinions were sent on complaints and signals of violation, 93% of which were fully or partially implemented by the central and municipal authorities addressed to them, the organizations entrusted with the provision of public services or private law entities. A significant contribution of the ombudsman institution to the national system of rule of law are the total of 4 constitutional complaints filed in 2021, which were upheld by the Constitutional Court with decisions in protection of the rights and fundamental freedoms of Bulgarian citizens.

In 2020, the National Audit Office carried out independent audits for the implementation of the recommendations given in 43 audit reports, and three of the audits were repeated. The number of inspections for implementation of the recommendations given during compliance audits in financial management is the highest - 29. The Directorate for Performance Audits conducted seven inspections for ex-post control. The Specific Audits Directorate has carried out seven inspections, including three – repeated ones.

The implementation of 447 pieces recommendations was checked, including 376 recommendations and 71 subrecommendation. The distribution of tested recommendations on types of audits is as follows:

- audits for compliance with financial management - 289 (65%)
- performance audits - 117 (26%)
- specific audits - 41 (9%)

In 2020, the highest number of implemented recommendations is 308 (68.9%). The number of recommendations in 2020 are implemented partially, 34 (7.6%), and the recommendations that are in progress - 45 (10.0%). In 2020 they were reported as outstanding

55 recommendations (12.3%). The number of recommendations that are not subject to execution is only 5 (1.1%).

In 40% of the decisions issued, the CPD refers to the EU Charter of Fundamental Rights. The CPD has developed and deepened its partnership with non-governmental organizations dealing with issues concerning the rights of vulnerable groups, such as people with disabilities, Roma, LGBTI.

In July 2021, the CPD took over the chairmanship of the Supervisory Board under the People with Disabilities Act, which is a monitoring body on the rights of people with disabilities.

### **C. Accessibility and judicial review over administrative decisions**

#### **48. Transparency of administrative decisions and sanctions (including their publication and rules for collecting relevant data)**

##### **49. Judicial review of administrative decisions:**

**- short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review).**

#### **50. Follow-up by the public administration and State institutions to final (national/supranational) court decisions, as well as available remedies in case of non-implementation**

### **D. The enabling framework for civil society**

#### **51. Measures regarding the framework for civil society organizations (e.g. access to funding, legal framework, including registration rules, measures related to dialogue between the authorities and civil society, participation of civil society in policy development, measures capable of affecting the public perception of civil society organizations, etc.)**

In 2021, the Council of Ministers adopted Decree № 132 of 5 April 2021, which provided for the establishment of a Council for coordination of the participation of the Republic of Bulgaria in the international initiative "Partnership for Open Government". During the year a process of preparation of the Fourth National Action Plan of the Republic of Bulgaria within the initiative took place. A transitional composition of the Coordination Council was established, whose main role was to discuss the proposals for measures included in the plan received during the year and to decide which commitments should be included in its final version. At the beginning of next year, the plan will be approved by the Council of Ministers and its implementation will begin.

Within the frame of competence of the Ministry of Labor and Social Policy as the Managing Authority of the Operational Program "Human Resources Development" 2014 - 2020 (OP HRD), a basic principle enshrined in European and national legislation related to the spending of grants provided to The Republic of Bulgaria from the European Union is the principle of partnership. For the development of the civil society and the increase of the capacity of the non-governmental term in the Republic of Bulgaria, specific schemes are implemented under the OP HRD<sup>95</sup> for the award of grants in which non-governmental organizations are eligible partners.

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<sup>95</sup> Such schemes in 2021 are:

- 1.BG05M9OP001-2.019 - Ongoing support for the deinstitutionalisation of children and young people - PHASE 2 - Provision of social and integrated health and social services for children and families - Component 1.
- 2.BG05M9OP001-2.056 - "Socio-economic integration of vulnerable groups. Integrated measures to improve access to education "- Component 2.
3. BG05M9OP001-2.061 - Support for persons with disabilities - Component 2.

As of December 2021, the National Council for People with Disabilities held eleven absentee meetings, at which 15 draft documents were discussed and supported, including 9 draft regulations, 2 draft action plans and 4 draft other documents. affecting the rights of people with disabilities. Minutes of meetings and other relevant documents are published on the Advisory Boards website<sup>96</sup>.

According to Art. 16 of the Regulations to the Minister of Labor and Social Policy a permanent commission has been appointed to establish the fulfillment of the criteria for national representation under Art. 92 of the People with Disabilities Act. As a result of its activity the Commission held 21 absentee meetings, procedures for interdepartmental coordination under Art. 32 of the Rules of Procedure of the Council of Ministers and its administration, and documents of a total of 15 organizations of and for people with disabilities have been submitted to the Council of Ministers.

In order to promote activities in support of social inclusion of people with disabilities, by spending targeted funds from organizations of and for people with disabilities with recognized national representation, subsidies provided by the state for these organizations were increased by 15% for the budget year 2021.

## **52. Rules and practices guaranteeing the effective operation of civil society organizations and rights defenders**

The institutional expression of the model and practices for sustainable interaction between the state and civil society organizations is the constitution of the Council for Civil Society Development, whose status is regulated at the legislative level.

The administration of the Council of Ministers carried out the necessary actions for its establishment and related to conducting an open and transparent procedure for election of its members according to rules detailed in the Rules of Procedure of the Council. All acts of the commission in the administration of the Council of Ministers, which organized the selection procedure, are published on the Portal for Public Consultation<sup>97</sup>.

The election results are available on a specially created electronic platform for registration and election of members of the Council for Civil Society Development<sup>98</sup>. At the beginning of next year, the decision of the Council of Ministers to establish the council is forthcoming.

## **E. Initiatives to foster a Rule of Law Culture**

### **53. Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, etc.)**

During the reporting year, within the framework of the formulated measures in the field of judicial reform and the fight against corruption from the National Recovery and Resilience Plan, concerning the reform of the judiciary and the rule of law, public consultations and consultations were held in the National Assembly.

### **Other - please specify**

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4. BG05M9OP001-2.062 - Social inclusion of persons with mental disorders and intellectual disabilities.

<sup>96</sup> [http://saveti.government.bg/web/cc\\_11/1](http://saveti.government.bg/web/cc_11/1)

<sup>97</sup> <https://www.strategy.bg/Publications/View.aspx?lang=bg-BG&Id=243>

<sup>98</sup> <https://voting.government.bg/>