

Joint Contribution of Bulgarian CSOs to the 2025 Rule of Law Report

The present contribution represents the joint opinion of leading Bulgarian civil society organizations monitoring for years various aspects of the legal, social, economic and public areas in the country. The organizations that contributed to the joint report are:

Access to Public Information Programme
Anticorruption Fund Foundation
Association of European Journalists, Bulgaria
Bulgarian Center for Not-for-profit Law
Bulgarian Donors Forum
Bulgarian Helsinki Committee
Bulgarian Institute for Legal Initiatives
Center for the Study of Democracy
Deystvie organization
GLAS Foundation
Institute for Public Environment Development
Institute for Market Economics

The contribution is public.

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the justice system (if applicable)

In the 2024 Report Bulgaria has received 3 specific recommendations related to the judiciary stemming out from the rather unsatisfactory fulfillment of the recommendations from the previous report. Unfortunately, these 3 recommendations remain largely not implemented, because of ongoing political crisis resulting in two snap elections in 2024, decision of the Constitutional Court revoking the a large part of the changes and amendments of the Constitution from December 2023 and failed introduction of legislative changes in relevant laws thereof. More specifically:

- There is still no legislative answer to tackle the issue with the long-term secondment of magistrates. The MoJ under the regular Minister Slavov has initiated changes and amendments in the JSA including such related to the secondment, but due to decomposition of the regular government back then, the legislative process was not finalized. The caretaker Minister of Justice has restarted the work of the working group on the JSA. There are texts in the new JSA draft related to the secondment, but it is still not finalized;
- There are no changes and amendments in place securing a more independent election of members of the Inspectorate to the SJC lessening the political influence and improving its functioning. On the contrary, the ISJC continues to operate outside its mandate and it is among the state bodies that are working the longest time outside their legal mandate;

- No safeguards were introduced with regard to *“the appointment procedure of the Parliament-elected members of the Supreme Prosecutorial Council”*. The recently enforced changes and amendments in the JSA are providing for a 6 months period for both the parliament and the judicial system to carry out elections of new members for the SJC. It is yet to be seen whether in this period additional legislative changes will be made regarding the organization of the election process for both quotas.

After the last snap elections in October 2024 the country is on its road to stabilization, having managed to elect a regular government on January 16, 2025. That recent development means also a parliament that hopefully will function long enough to adopt and enforce the necessary changes and amendments in relevant laws, so that the recommendations are answered – at least in theory. On January 21, changes and amendments in the Judicial System Act were published in the State Gazette and enforced. They are related to basically blocking the procedure for election of a Prosecutor general that has been running in the Supreme Judicial Council and had only one candidate, the current interim prosecutor general. At its meeting on January 23, 2025 the SJC has ceased the procedure. At the same time, there is also a larger draft of the Judicial System Act prepared by the Ministry of Justice. The draft has been open to public consultation until January 8, 2025 (the MoJ used the shorter procedure for comments that is 14 days and not the regular one of one month) and it is currently at the MoJ. It is unclear when it will be passed by the Council of Ministers and submitted to the parliament.

The problem for Bulgaria, however, remains the implementation of the texts, as we have often observed how good laws are badly or very subjectively implemented, thus, leading to no meaningful reforms and positive outcomes.

A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)
(The reference to ‘judges’ concerns judges at all level and types of courts as well as judges at constitutional courts)

The summer of 2024 was marked by two landmark decisions of the Constitutional Court (CC) – the first one concerning the amendments of the Bulgarian Constitution targeting the judicial reform and the second – concerning the mechanism for investigating of the prosecutor general. These court acts should be viewed and read together. In a nutshell, the CC revoked key constitutional amendments which had to lay the foundation of a real judicial reform. For instance, the provisions that were to reorganize the structure and composition of the Supreme Judicial Council, including its division into a council of judges and a council of prosecutors, were repealed. This action did not comply with one of the fundamental standards that judges have a decisive voice in the election of presidents of the supreme courts and in their professional development and discipline. The power of the Prosecutor General over all ordinary prosecutors at all levels in the system remains unchanged and unlimited. Thus, the structure and functioning of the Bulgarian judiciary still does not fully comply with the EU standards.

In the light of the above the most important actions taken, despite protest from experts and the professional organizations of magistrates (mainly the BJA), were related to the opening of the procedures for electing of a regular prosecutor general and President of the Supreme Administrative Court. Under a scandalous procedure and complete inaction on the side of the plenary of all supreme judges from SAC, Mr. Tcholakov was elected to be the interim Chair, continuing its presidency beyond the legal term of 7 years. Moreover, the SJC initiated twice the procedure for election of a new President of SAC, however, no candidates were nominated.

An interesting election procedure was the one about the chair of the District Prosecution Office in Blagoevgrad. This is a strategically important region for Bulgaria as it is at the outside border of the EU, therefore, it is not irrelevant who will be managing the prosecution office. There were three candidates for the position, one particularly scandalous.¹ He was not elected, but currently the election is being contested, pending decision from the SAC. Last but not least, last year a procedure for election of new President of the Sofia City Court was opened. There are two candidates – the current one Aleksei Trifonov and one of his deputies – Rusi Aleksiev, a former prosecutor, known for his latest statement that wiretapping of MPs without removal of their immunity is justified when used for collection of operative information.² Initially the election was scheduled for December 17, but after a request from Trifonov, rescheduled for January 21, 2025. Suprisingly, some days ago Mr Trifonov announced that he doesn't want to stay as an interim President and wants to go back to his previous position as judge in the Sofia Appellate Court. Yet again, another important cadre procedure in the judiciary remained with only one candidate making it not an election, but rather an appointment. As expected, Mr. Aleksiev became the new President of the Sofia City Court on January 21, 2025.

In addition to the above, one can say that there is a trend of dubious promotions and appointments. A recent study by the IME (*"Law Schools and Justice Career Development: An Analysis of Educational Trends Among Judicial Leadership Positions"*) demonstrates a troubling trend where leadership in the judiciary (presidents of courts/prosecutor's offices, members of the SJC/ISJC) is increasingly filled by alumni from a limited number of law schools, which may indicate a lack of pluralism and genuine competition based on educational quality. Furthermore, it raises concerns about the transparency and objectivity of appointments to judicial leadership positions, suggesting the existence of informal networks that could compromise the independence and quality of the judiciary, ultimately eroding public trust³.

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

No significant changes made in this field. As already mentioned, secondment of judges continuous to be a big problem with people staying seconded for more than 10 years. Just recently, there were serious allegations that the SJC is trying to sabotage the completion for judges in the appellate courts in order to

¹ BILI shed light on this candidate (in Bulgarian) - https://bili-bg.org/12/1277/news_item.html

² See more info at (in Bulgarian) https://bili-bg.org/12/1317/news_item.html

³ More information here (in Bulgarian): <https://ime.bg/analyses/yuridicheskoto-obrazovanie-i-sydebnata-vlast-edin-ot-nachinite-za-syzdavane-na-sydebna-nomenklatura/>

keep the seconded ones.⁴

The already mentioned draft of the Judicial System Act disregarded to a large extent the very meaningful draft of its regular predecessor. It has to be noted that the former caretaker Minister of Justice is a former deputy of the Prosecutor General and it appears that her loyalties lie with the status quo. At present she is back at the National Investigation Office. No meaningful public consultations preceded the preparation of the current draft. Moreover, almost none of the professional and civil society organizations were invited to participate in the working group. It has to be mentioned that the Bulgarian Judges Association filed a request under the Access to Public Information Act asking the Ministry of Justice to provide details about the criteria used to pick the participants in the working group. Their request was denied, hence the BJA filed a court complaint against the Ministry. The case is significant for the right for the access to information and transparency of the legislative process.

Although the draft of the Judicial System Act prepared by Atanas Slavov as minister tackled long-standing and deep-rooted problems regarding judicial competitions, evaluation, secondments, etc. and received a wide support, the caretaker minister adopted a completely different approach. It seems that the problem with long-term secondment of judges and prosecutors (among other issues) would not be resolved effectively. At present it is still not clear what the new regular Minister of Justice will undertake thereof.

Promotion of judges and prosecutors (incl. judicial review)

According to the Judicial System Act (Art. 169) appointments of judges and prosecutors from the lower instance as heads or deputy heads of a higher court or Prosecutor's Office should be an exception. In reality, promotion through appointments as deputy head of the upper instance in the courts and the Prosecutor's Office has been a common practice in recent years but was used even more often in 2024 and concerning some prosecutors who decided on cases of high public interest. This is an effective way to skip the internal competitions for promotion. Like the secondments it is a tool that could be used for rewarding loyal judges and prosecutors.

The head of Sofia City Prosecutor's Office now has an impressive number of eight deputies. The two most recently appointed were both first seconded from the lower Sofia District Prosecutor's Office to Sofia City Prosecutor's Office and while seconded worked on high profile cases. Then, they were appointed as deputy heads, so they effectively skipped the internal competitions for promotion.^{5 6}

Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

Last year was a retrograde year for the judiciary. In 2024, the Constitutional Court repealed the amendments to the Constitution related to the judicial reform thus, no progress was made regarding the composition of

⁴ For more information (in Bulgarian), see here - https://bili-bg.org/12/1279/news_item.html

⁵ In Bulgarian [Районна прокуратура стана зам.-шеф на СГП, Илиана Кирилова ще има и осми заместник](#), lex.bg, 2024

⁶ In Bulgarian [Освободен е зам.-шеф на НСлС, Илиана Кирилова вече има осми заместник](#), lex.bg, 2024

the Supreme Judicial Council and the Inspectorate to the Supreme Judicial Council; the Prosecutor General remains omnipotent, and the mechanism for his investigation proved to be fruitless. There is still lack of investigations, prosecutions and final judgments in high-level corruption cases. Against this background, the judiciary budget is expected to set a new record. The political instability led to yet another year where the term of office of the Supreme Judicial Council, Inspectorate to the Supreme Judicial Council and other Independent regulatory bodies was prolonged indefinitely undermining the very pillars of democracy. Now, besides the ISJC and the SJC, the Supreme Administrative Court has also an interim President as the mandate of the regular one expired in November 2024.

With regard to the constitutional complaint, it must be noted that thus far the CC found all but one filed complaints inadmissible which seems more of a statement by the CC than anything else.

As already mentioned, on 7th January, the Parliamentary Constitutional and Legal Matters Committee adopted during its first reading three draft amendments to the Judicial System Act (by “Vuzrazhdane” (Revival), PP-DB and ITN), among which there are texts that would suspend the procedure for electing the Prosecutor General. The PP-DB draft also introduces additional guarantees for competitiveness, transparency and integrity in the election of the Prosecutor General, the President of the Supreme Court of Cassation (SCC) and the President of the Supreme Administrative Court (SAC), as well as eliminates some deficiencies in the current procedure for their election. The procedure in question is at a very advanced stage (the hearing and voting should take place on 16th). The acting Prosecutor General Borislav Sarafov was the only candidate for the position, despite the allegations he participated in an organized crime network notorious for its parallel justice, raiding of businesses and blackmailing businessmen. The country’s political volatility makes it even more obvious that these high level judicial appointments are a result of political trade-offs rather than procedure following the law. At the same time, according to a latest national representative survey conducted on behalf of BILI, the trust in the prosecutor general is record low and the same time people have high expectations from the prosecution and consider judicial reform an extremely important topic.⁷

Independence/autonomy of the prosecution service

A notable change that was left intact by the Constitutional Court is that the Constitution no longer defines the investigators, who are currently investigative magistrates, as part of the judicial system (Article 128 of the CRB). While they remain magistrates under the Judicial System Act, this opens the possibility of either transferring the National Investigation Service from the Prosecutor’s Office to the Ministry of Interior or setting it as an independent body outside of the three branches of government (legislative, executive, judicial) with a simple amendment to the Judicial System Act.

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

Perhaps the most significant development were the decisions of the Constitutional Court that repealed most

⁷ Results and analysis of the survey https://bili-bg.org/cdir/bili-bg.org/files/Public_Assessment_of_Judicial_Reform.pdf

of the changes in the Constitution. Nevertheless, some positive changes took place constitution wise:

- the text according to which the main bearer of the judicial power is the court, and the prosecutor's office, and investigation are in the system of the judicial power. In short, a division is finally made on constitutional level between the legal status of judges on one hand and prosecutors and investigators on the other;
- the structure of the prosecutor's office is in line with that of the courts that hear criminal cases (as opposed to before – all courts). The closure of the Supreme Administrative Prosecutor's Office is a fact.
- transition from general supervision of legality to one explicitly prescribed by laws.
- limitation of the participation of prosecutors in civil and administrative cases, hence enhancing the prosecutor's office main role – be in charge of the investigation and press/maintain charges.
- Introduction of the possibility for constitutional complaint – any court, at the request of one of the parties on a respective case or on its own initiative can ask the Constitutional Court to declare a specific law unconstitutional
- The mechanism for investigation of the Prosecutor General was abolished on the constitutional level, but remained in force in the law.

It should be noted that the mechanism for investigating the Prosecutor General was proven ineffective to say the least. Despite data for alleged crimes committed by the PG, the special prosecutor not only found no irregularities, but was unreachable by any media. The fact that the request for public information addressed to her was answered by the Deputy Prosecutor General – a person she could investigate – was indicative for the failure to ensure the independence of this body in practice.

Another development was related to the action or rather inaction of relevant Bulgarian institutions towards gross violations of rights and raiding of businesses revealing participation of members of the judicial system. In 2024 another parliamentary committee was formed by the 50th National Assembly to review the response of the institutions to the information first revealed to the public by ACF investigations from 2020 and 2021 concerning two notorious criminal networks for influencing the judiciary called the “Eight Dwarfs”⁸ and the group led by Martin the Notary (who was shot dead in Sofia in January 2024)⁹.

Furthermore, shortly after the assassination of Martin Bojanov, a judge from the Pleven District Court (judge Tzarigradska) disclosed some very disturbing facts about direct threats to her and her family in relation to a particular case and the complete inaction of the relevant institutions. As a result, the SJC created a temporary committee to determine on the existence of facts and circumstances related to participation of judges in Martin Bojanovs' group. After sixteen meetings, the committee issued a report requesting that its mandate gets prolonged until the end of September 2024. The SJC prolonged the work until the end of October 2024. To this date there is no further information on its work.

⁸ For further details on the “Eight Dwarfs” criminal network, see [“The Eight Dwarfs” - The facts, a legal analysis, conclusions, and an appeal to the institutions](#), ACF, 2020; [Yavor Zlatanov's interview for ACF confirmed the “Eight Dwarfs” story](#), ACF, 2021

⁹ For further details on the Notary's criminal network, see [Вижте какво казва Мартин Божанов - Нотариуса във видеото на АКФ “Списък за бърз контрол”](#), ACF, 2024

Unfortunately, nothing has come out of these parliamentary activities and the disclosure of the judge. Neither the National Assembly nor any of the numerous anti-corruption institutions have achieved any results whatsoever concerning the unraveling of the criminal networks and their ties with public officials. The report of the temporary parliamentary committee is a soft measure that did not result in any legislative initiatives thereof.

In 2024 the most important information concerning the networks once again was provided by civil society organizations and media.¹⁰

Another issue that can pose a threat to judicial independence is judges' self-recusal particularly when it becomes a widespread practice devoid of objective justification. Only for 2024 there were almost 25,000 recusals made by judges. This highlights a disturbing pattern where judges withdraw from cases due to potential perceptions of bias rather than actual conflicts of interest. This not only delays justice and inflates costs but also fosters an environment where litigants may feel empowered to exert undue influence and participate in forum shopping, ultimately undermining the integrity of the judicial system. To some users of the court system in some instances it may even seem that justice is denied. The repeated instances of self-recusal can create an impression of a judiciary that is susceptible to external pressures, eroding public trust and confidence in the rule of law, and leading to a de facto denial of justice.¹¹

Resources of the judiciary (human/financial/material), remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year)

(Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)

With a 36.2% increase in spending in just one year, the judiciary's budget is setting new records according to the SJC's proposed draft budget. In nominal terms, this is an increase of over BGN 442 million for 2025 alone, distributed mainly in growth of salaries and additional payments for staff, which are not tied in practice to the results of the judiciary's work¹². Significant increase took place in 2024 as well – for the first half of 2024, they increased by 28% compared to the same period in 2023, with personnel costs increasing by over

¹⁰ [Познанство от 1997 година, ресторанти и семейни разговори: Какво казва в свои показания градският прокурор Илиана Кирилова за отношенията си с Петьо Петров – Еврото](#), ACF, 2024; [СГП-Лийкс #2: Лаптопи, телефон, документи, дискове, касети. Какви са иззетите доказателства от имотите на Петьо Петров-Еврто и къде се намират сега](#), ACF, 2024; [СГП-Лийкс #3: „В ресторанта съм виждала над 10 пъти Борислав Сарафов“. Показанията на още един таен свидетел от „Осемте джуджета“](#), ACF, 2024; [СГП-Лийкс #4: „Възможно е, вероятно, нямам спомен, евентуално, подозирам“. Какво казва бившият главен прокурор Иван Гешев за Петьо Еврто в разпита си пред СГП](#), ACF, 2024; [Прокурор Зартова: В "семейството" на Петьо Еврто има вход, но няма изход](#), [dnevnik.bg](#), 2024; [СГП Лийкс гостува на СРП: „Вълшебното килимче“ на прокурорска преписка 114/2022 г. на СРП или как брокерите на влияние в съдебната власт иницират и приоритизират разследвания в своя угода](#), ACF, 2024; [Странният случай на пр. преписка 13904/2021 г. на Софийска градска прокуратура: Прокурор като разсилен, два кашона злато, товарено по тъмно на паркинга на съдебна сграда в „Г класа“ с установен-неустановен шофьор и какво да очакваме от единственото финализирано разследване по „Осемте джуджета“, по което обвиняем задочно се оказва само неиздиреният Петьо Еврто](#), ACF, 2024

¹¹ More information here (in Bulgarian): <https://ime.bg/articles/otvod-mi-daj-otvod-mi-daj-i-poveche-ne-me-mychi/> and <https://ime.bg/articles/samo-otvodite-kato-otkaz-ot-pravosydie/>

¹² More information here (in Bulgarian): <https://ime.bg/articles/sys-zaplati-ot-10-hilyadi-leva-magistratite-nastigat-naj-visokoproizvoditelnye-i-inovativni-sektori-prez-2025-g/>

30%. Judging by the discussion in the Plenum of the Supreme Judicial Council, by 2028, the judiciary will cost the taxpayer over 2 billion BGN.

As also mentioned in the previous contribution, the biggest portion goes for remunerations of magistrates and judicial personnel. The overall perception is that the BG judiciary is well equipped when it comes to resources regardless of the type. The Bulgarian magistrates continue to be among the highest paid state employees in the country and as already mentioned, there are issues related to the big gap in the payments of salaries among the instances. Recently disclosed information about the bonuses that members of the SJC have paid to themselves, has led to public outrage and continuous distrust in the system.¹³

Furthermore, the increase in costs is occurring against the backdrop of a declining work of both the courts and the prosecutor's office over the past 10 years¹⁴. However, this does not prevent the Supreme Judicial Council from unreasonably appointing new judges and prosecutors. The number of the administration that serves these bodies also increases. Thus, without even a beginning of a debate about measuring and analyzing the effectiveness of the spending, the budget of the judiciary predictably increases automatically every year ensuring that the system enjoys comfortable existence backed up by a lack of real accountability. The automatic increase deprives the judiciary of the increasingly necessary and urgent conversation about goals, resources and results. And this conversation is directly related to judicial independence, for it is not possible without the counterweigh of accountability.

Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)

Developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings)

The focus here is on the efficiency of the newly established figure of the *ad hoc* prosecutor. Issues with the new, supposedly independent mechanism for investigating the Chief Prosecutor and their deputies adopted as an attempt to execute ECtHR's judgment in the *Kolevi* case became evident in 2024. This mechanism is neither independent nor effective. Daniela Taleva, the special prosecutor in charge, a judge as the law requires, is appointed as a prosecutor *within* the Prosecutor's Office, contrary to what the ECtHR suggests.¹⁵

This prompted the Bulgarian Helsinki Committee to explore the technicalities around the special prosecutor's work. The organisation filed an access to public information request to Daniela Taleva, asking:

- about the software used in the Prosecutor's Office as a case management system: who developed this software, who is the sysadmin, and who employs the sysadmin;

¹³ In Bulgarian <https://www.segabg.com/hot/category-bulgaria/vuv-vss-si-razdali-po-52-hil-lv-godishen-bonus>

¹⁴ See more here: *Judiciary in Numbers* <https://ime.bg/dashboard-2/>

¹⁵ ECtHR, Judgment of 5 November 2009, *Kolevi v. Bulgaria*, no. 1108/02, § 208.

- information on the staff of the special prosecutor: number, procedure for selection and appointment, etc.;
- information about the inquiries where no crime was established but which reveal serious abuses of office;
- information on the budget allocated to the special prosecutor;
- information on how the special prosecutor can be officially contacted.¹⁶

Instead of a response from the special prosecutor, a response was received from the person appointed by the *interim* Chief Prosecutor Sarafov—a subject to 30 inquiries led by Taleva—to handle requests for access to public information. The Sarafov’s office denied access to the above information. This was quashed by the court. In a second response, it was revealed that the special prosecutor uses software for case management that is developed by the Chief Prosecutor’s administration and is administered by subordinates of the Chief Prosecutor; that the special prosecutor’s staff is appointed under the general rules without any special selection by the special prosecutor herself; that her staff are in fact subordinates to the Chief Prosecutor; that inquiries against the Chief Prosecutor where no crime is established but which may hold information about other offences are not referred to other institutions; that the special prosecutor does not have a separate allocated budget and depends on the decisions of the Chief Prosecutor in that regard; that her address is located in the building where the office of the Chief Prosecutor is located; and that her email address is hosted on the domain and servers of the Prosecutor’s Office.¹⁷

In December 2023, Ms. Taleva notably admitted in the media that her independence depends on the Chief Prosecutor, saying: “Everything that is within the capabilities of the Chief Prosecutor, he has done, he has tried to create such conditions that I really feel independent”.¹⁸

Aside from this, in one of his first public statements, the new Minister of Justice underlined that one of his priority will be the length of the proceedings and tackling the problem with cases that remain undecided for a very long period of time. It is yet to be seen what type of concrete measures will be undertaken thereof.

Any other developments related to the justice system - please specify

There was one other Decision¹⁹ of the Constitutional Court last year that revoked the changes and amendments in the Mediation Act and the Civil Procedure Code introducing mandatory mediation on certain types of cases pending before the court. These changes were adopted back in 2023 in accordance with Bulgarias’ obligations under the Recovery and Resilience Plan. They had to enter into force on July 1, 2024 – the exact date on which the Constitutional Court published its decision. The adopted texts were challenged at the CC by the Supreme Bar Council with the main motive that mandatory mediation on pending civil cases

¹⁶ *Проваленият механизъм: Главният прокурор контролира прокурора, който го разследва*, dnevnik.bg, 20 December 2024,

https://www.dnevnik.bg/analizi/2024/12/20/4720912_provaleniiat_mehanizum_glavniat_prokuror_kontrolira/

¹⁷ Ibid.

¹⁸ *Разследващата главния прокурор би дала публичност, ако ѝ бъде оказван натиск*, dariknews.bg, 7 December 2023, <https://dariknews.bg/novini/bylgariia/razsledvashtata-glavniia-prokuror-bi-dala-publichnost-ako-byde-okazvan-natisk-2368861>

¹⁹ The text of the decision (in Bulgarian) <https://www.constcourt.bg/bg/case-660>

endangers and restricts the access to justice and the right for legal protection and representation. It needs to be mentioned that in the one year of *vocatio legis*, the working group at the SJC together with mediators and judges from the whole country, have managed to build the infrastructure for the proper implementation of the texts – trainings were carried out; mediation centers were put in place; competition for mediators to be enrolled in the roster of judicial mediators were organized; relevant regulations were adopted. At present, the working group has finalized a new round of texts to amend the Mediation Act and the Civil Procedure Code in order to correspond to the decision of the CC and at the same time to keep the mandatory element, which is the key part of the reform and the RRP. It is yet to be decided how the new texts will be introduced to the parliament.

II. Anti-Corruption Framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the anti-corruption framework (if applicable):

Robust track record of investigations, prosecutions and final judgments in high-level corruption cases as well as effective performance of the Anti-Corruption Commission are completely absent. On the contrary, the Anti-Corruption Commission is still operating with its old management, as the parliament is failing in carrying out the election and appointment of the new one according to the new law. The prosecution office under the management of an interim prosecutor general is operating more or less in a very selective way, targeting leaders of opposition parties thus leaving the impression of a partisan behavior.

Moreover, in a captured state the anti-corruption framework is not there for combating corruption, but to serve as a tool against political and business opponents of the state institutions' de facto owners. After a period of relative calm, there has been a significant increase in these types of institutional attacks. Recommended successful investigations, prosecutions and final judgments in high-level corruption cases and effective performance of the Anti-Corruption Commission are not possible in the current situation, because the anti-corruption institutions are used as an instrument for pressure and gaining of political and economic benefits. In this environment the lack of final convictions in high-profile corruption cases is actually a good thing. The overall rule of law situation would be dramatically worse if people were going to prison for years due to politically motivated and selectively used criminal investigation and prosecution, instead of just several months in pre-trial custody.

To achieve the goal of real anti-corruption efforts which would eventually lead to success in the activities of the criminal justice system and Anti-Corruption Commission there has to be a fundamental change through evolution of professional ethos and political culture in the very way public authority is exercised in Bulgaria. Then, comprehensive reform of the criminal justice system regarding in particular: 1) the structure of the Supreme Judicial Council and enforced in practice better selection criteria for its

members; 2) the Prosecutor's Office including its leadership, structure and forms of external control; 3) the rules of criminal procedure and substantive criminal law; and comprehensive reform of the Anti-corruption Commission including its leadership, powers and forms of external control.

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

List any changes as regards 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 (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO

A significant reform of the anti-corruption framework was introduced in 2023 as the Commission for Counteracting Corruption and the Forfeiture of Illegally Acquired Property (CAFIAP) was divided into Anti-Corruption Commission/Commission for the Counteracting of Corruption (ACC) and Commission for Illegal Assets Forfeiture. This round of reforms of Bulgaria's anti-corruption legislation took place less than six years since the reforms in early 2018 when CAFIAP was created. Back then, the mega-structure CAFIAP took over the competencies of five different public anti-corruption bodies. Through the new measures, the exact opposite approach was adopted as this time around the CAFIAP was divided. As with the creation of CAFIAP, this restructuring too, was carried out without any analysis of the effect, the outcomes and especially the reasons behind the lack of positive results of CAFIAP's activities. Thus, the new set of reforms seems like the latest round of a vicious cycle: radical revamp of the anti-corruption legislative framework -> formalistic proclamations of the reform's success -> lack of positive results -> absence of analysis of errors and deficiencies which led to the lack of positive results -> calls for new sweeping changes (and back to the beginning).²⁰

According to article 44 of the new Act on Preventing and Fighting Corruption (adopted in 2023), the ACC implements the state policy on corruption prevention, so this is the current main state actor in preventing corruption.

In 2024 new leadership of ACC should have been elected by the Parliament in a transparent procedure involving an impartial nomination committee. This process was blocked due to political instability that led to two snap parliamentary elections in 2024 alone (seven since 2021). Thus, the former deputy head and interim head of CAFIAP since the beginning of 2022 Anton Slavchev (a person of questionable reputation²¹) is still in charge of both commissions after their separation.

Safeguards for the functional independence of the authorities tasked with the prevention and

²⁰ For further details on the reform of the anti-corruption framework, see [*"ACF Analyzes New Act on Preventing and Fighting Corruption: Creation of New Investigative Bodies Cannot Compensate Lack of Vision for Comprehensive Criminal Justice Reform"*](#), ACF, 2023; [*"Новият закон за противодействие на корупцията: каква промяна да очакваме в дейностите по разкриване и разследване на корупционни престъпления"*](#), ACF, 2023

²¹ Slavchev's name emerged in journalistic investigations back in 2019 concerning controversial real estate deals - [*Терасата на Антон Славчев – ужилване с 300 000 лв. на Столична община?*](#), bivol.bg, 2019

detection of corruption

Laws and measures that exist solely on paper to check a box on a progress report cannot be effective in preventing corruption. As a general principle, assessment of the quality of laws and measures could be possible if there is willingness to implement them in their true meaning. The creation of professional and independent anti-corruption institutions which strive to apply the law equally (instead of acting in an arbitrary manner, applying their authority with regards to some targets and looking the other way when dealing with others) is the first necessary step which could help efforts to counteract corruption. Without meaningful change in the manner in which anti-corruption institutions exercise their authority all the specific legal requirements or technical recommendations, even if they are formally adopted, will remain just on paper.

Unfortunately, the variety of anti-corruption institutions in Bulgaria like the Prosecutor's Office, Anti-Corruption Commission, Commission for Illegal Assets Forfeiture, National Revenue Agency, Public Financial Inspection Agency, National Audit Office, Commission on Protection of Competition, Public Procurement Agency, State Agency for National Security, Inspectorate to the Supreme Judicial Council and various other inspectorates to the Council of Ministers and respective ministries, etc. cannot be labelled as professional and independent.

No positive developments in this respect are there to be highlighted.

B. Prevention

Measures to enhance integrity in the public sector (including as regards incompatibility rules, revolving doors, codes of conduct, ethics)

It has to be noted that with regard to the relevant recommendation from the 2024 RoL Report, no indication that measures to improve the integrity of top executive functions were finalized and are in place.

Incompatibility rules were allegedly used in an arbitrary way in a very high-profile case in 2024 regarding the removal of a vice-chairman of Bulgarian National Bank – Andrey Gyurov. Gyurov was a prominent figure of the party PP (We Continue the Change), nominated for the position from the de facto coalition PP-DB (We Continue the Change-Democratic Bulgaria) - GERB (Citizens for European Development of Bulgaria), supported by DPS (Movement for Rights and Freedoms), which was in power from June 2023 to March 2024. Soon after the government collapsed due to political tension between the former partners, a number of high ranked officials nominated for different positions from PP-DB or linked with PP-DB were dismissed one way or another.²²

In July 2024 Gyurov was removed from the National Bank due to incompatibility in a very questionable manner after a decision by the ACC²³. In December Sofia City Administrative Court found no evidence of

²² [ПП-ДБ вече няма представители в ръководството на МБР. Прокуратура е назначена в правосъдието](#), Radio Free Europe Bulgaria, 2024

²³ [БНБ установи основания за освобождаването на Андрей Гюров като подуправител](#), lex.bg, 2024

incompatibility and overturned ACC's decision²⁴. The court ruling is not final. An identical pattern was used for the removal of a couple of district mayors in Sofia, which also happened to be from the same political party PP-DB²⁵.

In the beginning of 2024 an interinstitutional working group was established at the Council of Ministers to work on changes in the Law on the Administration and a draft of a Code of conduct for the public positions in the executive power. The establishment of the working group was a response to the GRECO recommendations from the fifth round of evaluations, as well the recommendations in the 2023 RoL report and PACE's preliminary report on the post-monitoring dialogue with Bulgaria. The group included also CSOs. It worked, however, for a very short period of time and due to the political crises and the April 2024 snap elections, it did not produce any drafts.

Measures to enhance general transparency of public decision-making (including rules on lobbying, asset and interest disclosure rules, gifts policy, transparency of political party, financing)

Regulation of lobbying activities is part of the Bulgarian Recovery and Resilience Plan, thus the regular government with the leading role of the Ministry of Justice has started a working group that developed a Concept paper for the regulation of lobbying in Bulgaria. However, after the shift in power in the spring of 2024, the caretaker government and the caretaker Minister of Justice adopted a new approach. In March 2024 a substantially edited concept was sent for an opinion to the Council for Civil Society Development. In the edited concept the distinguishment between lobbying and advocacy was removed alongside the exceptions for CSOs. None of the CSOs' representatives' members of the working group for the concept were informed about the editing. Furthermore, no report from the public consultation justifying the changes made was published. The edited concept was approved by the caretaker Minister of Justice on 12.07.2024 (shortly before the publication of the annual RoL report). It can be interpreted that the information about the concept published in the chapter for Bulgaria in the 2024 RoL Report is misleading – the concept was neither adopted by the Council of Ministers nor the revised final version was consulted with CSOs.

At present, the working group at the Ministry of Justice has renewed its meetings and it looks like it will be drafting a stand-alone Law on Regulation of Lobbying. The main concern to this approach is that, in addition to efforts to regulate lobbying activities with a clear economic interest, the advocacy activities of CSOs and activists on all public issues will be included in the scope of the law and treated in the same way. This, in the context of insufficient public and accessible information, as well as shrinking civic space, will contribute to additional stigmatization of the work of CSOs. The latter conclusion is further confirmed by a study conducted on behalf of BILI on peoples' perspectives on regulating lobbying activities in Bulgaria.^{26 27} The study showed that the main association people make when asked about lobbying is with some shady business and corruption. Moreover, all this is fueled by a deep lack of trust in the political

²⁴ *Съдът не откри несъвместимост при Андрей Гюров за поста му в БНБ*, 24 hours, 2024

²⁵ *Кметове под прицел, или рецепта за връщане на властта в София*, capital.bg, 2024

²⁶ Full version of the study (in Bulgarian) https://bili-bg.org/cdir/bili-bg.org/files/2024_Lobbying_Sociological_research.pdf

²⁷ Summary of the study in English https://bili-bg.org/cdir/bili-bg.org/files/Perspectives_on_the_regulation_of_lobbying_in_Bulgaria_Summary.pdf

establishment as a whole and a lack of understanding how democracy functions in general.

The approach of the Ministry of Justice on regulation of lobbying resembles the efforts of radical political parties in Bulgaria to introduce elements of the Russian-like “foreign agents” registration laws that in fact prohibited any activity of civil society.

Through the course of the above described development a number of prominent civil society organisations – BILI, CSD and AIP, as members of the working group at the Ministry of Justice - initially for the preparation of a concept, and currently - a draft law, continued to actively participate in the development of the Bulgarian government's concept for regulating lobbying, promoting legislative decisions to increase transparency and integrity in public decision-making. In their latest joint statement on the concept published for public consultation and in connection with a discussion with representatives of the EC held on January 31, 2024, they take the position in favor of a combination of two regulatory approaches - statutory provisions and voluntary self- regulation schemes, arguing that within the EU, there is no uniform, mandatory regulation of lobbying, i.e., Member States are free to decide which approach or approaches to choose. They specify that in its annual reports on the rule of law, the EC makes recommendations to many Member States to introduce lobbying rules, transparency standards and lobbyist registers, but without insisting that this be done through a specialized law. They agree with the principal note on the necessity for a broad definition based on the standards of the OECD and the Council of Europe, but taking into account the national context and specifying the activities, incl. criminal ones, that are not lobbying. The statement accepts the recommendation for the registration of the following: the identity of the lobbyists the purpose of the lobbying activity individuals in relation to whom lobbying activity has been or is being conducted (incl. cases of established contacts, but not to register every sent email, they can be described chronologically, e.g., "regular contacts, including 3 meetings in 4 month ... year ... regarding law/bill x"). They express a strong opinion regarding non-profit legal entities registered for public benefit, which are mainly engaged in advocacy and given the existing legal framework and political context in Bulgaria, the requirement to indicate equivalent circumstances in their annual activity reports for declaring lobbyists is a sufficient guarantee for the transparency and publicity of their activities. There is no need to impose an additional administrative burden and register them in separate registers, which would also make it difficult to monitor their work due to the fragmentation of the sources in which information is published.

On this basis, these organisations continue their participation in the working group, seeking to attract other colleagues and experts from Bulgaria and the EU, in order to develop an acceptable and workable legal framework.²⁸

The following aspects of the approach of the state to regulate lobbying activities raise CSO's concerns:

- According to this document there is no distinction between advocacy and lobbying.
- CSOs are not excluded from the scope, but some other entities for which it is well known that

²⁸ Joint statement of AIP, BILI and CSD- <https://csd.eu/blog/blogpost/2024/02/13/regulation-of-lobbying-activities-in-the-republic-of-bulgaria-draft-concept-1/>

could be engaging in lobbying, are explicitly excluded such law firms and businesses associations.

- Grassroot lobbying (indirect lobbying) is also proposed to be regulated while targeting the Constitutional Court and the judiciary with lobbying activities is proposed to be banned.
- Disproportionately more responsibilities, obligations, and sanctions on citizens and CSOs are imposed in comparison to public institutions, shifting the focus from “government in the sunshine” legal provisions towards stigmatization of active citizens
- The envisaged supervisory body that will also maintain the Public Register on Lobbying, namely the President of the National Audit Office is unacceptable as these are not typical functions for such an institution, the lack of capacity and potential collision with its constitutional powers; it is not clear how the proposed supervisory body (the President of the National Audit Office) will conduct checks/inspections in the absence of registration of lobbying subjects.
- There is a potential collision between the definitions in the concept, the functions of the supervisory body, and the existing texts in the Criminal Code and other normative acts
- - The Concept/Draft Law on Regulation of Lobbying does not consider positive incentives for the registration of lobbying subjects (e.g. the right to participate in meetings of collective bodies, councils, the right to access buildings and facilities of public institutions in accordance with the respective admission regime, etc.). This increases the risk that the mechanisms provided for in the concept may not work.

Measures to ensure whistleblower protection and encourage reporting of corruption, including their application (i.e. number of reports received, and the follow-up given)

The Bulgarian law transposing the EU whistleblower protection directive, in force since 2023, has already been amended several times in the same year. In November 2024 the Ministry of Justice published for public consultation yet another draft law for amendments in the Whistleblower Protection Act in order to respond to the criticism of the European Commission regarding the non-compliance of the existing regulations with some of the requirements of the EU Whistleblowers Directive as well as the need to fulfill the commitments undertaken by Bulgaria under the RRP.

The relevant rules and regulation have been adopted in due course, and the entities obliged to set up internal whistleblowing channels have adopted rules for doing so.

On the website of the Commission for Personal Data Protection (CPDP) - the designated central authority for external reporting²⁹, are published explanations on principle issues on the application of the Whistleblower Protection Act, which are continuously updated and supplemented, taking into account both the incoming questions from citizens and obliged subjects, as well as the development of the practice on the application of the law. Detailed answers to frequently asked questions on the legal framework are also available there - <https://cpdp.bg/en/frequently-asked-questions-on-the-wpa/>.

²⁹ <https://cpdp.bg/en/explanatory-materials-on-the-whistleblowers-protection-act/>

More or less detailed explanations on the submission and handling of whistleblowing and on the remedies are available on the websites of the obliged entities that have set up internal whistleblowing channels.

However, given the short period since the legislation came into force and the lack of uniform statistics (on internal and external reports, their status, support and protection measures provided), there are no convincing data on whistleblowing cases that are representative of Bulgarian national context.

The few cases known somewhat through domestic case law are against retaliatory actions taken - actions to invalidate retaliatory actions taken against the whistleblower by the employer, consisting of the issuance of a dismissal order, involving and not finally resolved disputes about the applicable law - the Whistleblower Protection Act as a special law or the Labour Code. However, a concrete impact or public notoriety cannot yet be spoken of. According to the reported statistical data for 2023 by the CPDP, provided to the EC³⁰, the total number of reports for violations falling under the Whistleblowing Act is 16, and all the reports received have been followed up by the competent authorities. In 2023 one inspection was discontinued as the report was forwarded for investigation by the District Prosecution's Office and is being monitored by the European Public Prosecutor's Office; one inspection was closed resulting in a judicial process and one inspection resulted in sanctions.

The number of closed investigations per area of violation is as follows: one for violation affecting the EU's financial interests within the meaning of Article 325 TFEU and further specified in the relevant Union measures, and two for infringements not falling within the material scope of Directive (EU) 2019/1937.

In 2024, CSOs played a key role in helping the Bulgarian government in promoting the protection of whistleblowers and fostering a culture of safe and effective whistleblowing. This support included providing detailed comments, recommendations and suggestions to improve the implementation of the legislation and ensure compliance with EU standards. The CSD and Media Development Center from Bulgaria remained active members of the South East Europe Coalition on Whistleblower Protection³¹, contributing to policy development efforts ahead of the Coalition's upcoming 10th anniversary.

Concerns remain on the designation of the Commission for Data Protection as the competent authority, noting that it lacks capacity and expertise on the relevant legislation in order to serve as an efficient whistleblower authority, in particular in corruption cases.

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding media pluralism and media freedom (if applicable)

³⁰ <https://cpdp.bg/информация>

³¹ <https://see-whistleblowing.org>

The Association of European Journalists - Bulgaria (AEJ-Bulgaria) presented the seventh consecutive survey³² on freedom of speech in Bulgaria. It reports that Bulgarian journalists are working under constant workplace stress, record high political pressure and a constant risk of attacks with SLAPP cases, also known as "SLAPP cases".

The concentration of media in Sofia, the expansion of "information deserts" and the disappearance of regional journalism are now an inevitable part of the sector's landscape. Probably because of the series of shocks in the political environment, for the first time the pressure coming from there is reaching a peak - 77.2% of the survey participants mention it as the most common in their work. The spread of slander against journalists and the media is also on the rise. Self-censorship figures also remain high. "Apathy and fatigue", "influence of politicians on media owners", "internal pressure", "slap cases" - all this is part of the professional agenda of Bulgarian journalists.

Compared to the survey of two years ago, in percentage terms in 2024 the results do not show any major dynamics. But it is very striking that the share of respondents who testify to political pressure rises to 77.2% (in 2022 it was 72.5%). The severity of prosecution and the spread of defamation against journalists and media is also rising steadily.

Some 43% of respondents indicated that they had personally been subjected to undue pressure. However, when the question refers to surveillance of another colleague, i.e. measuring both the perception and scope of undue coercion, the levels of reported coercion rise to nearly 60 per cent.

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

In 2024, no measures have been taken to improve the independence and effectiveness of the media regulatory authorities and bodies. In 2024, a large majority of the MEPs refused to adopt the annual report³³ of the CEM due to criticism over its handling of the coverage of the war in Ukraine, failure to appoint a director of the public TV broadcaster BNT for another consecutive year, as well as political accusations for lack of pluralism in the coverage of the elections.

Former head of the CEM Sonya Momchilova reported lack of financial resources for salaries of the experts working for the regulator during the hearing.

³² <https://aej-bulgaria.org/wp-content/uploads/2024/11/Jurnalistika-pod-stres-2024.pdf>

³³ <https://trud.bg/%D0%BF%D0%B0%D1%80%D0%BB%D0%B0%D0%BC%D0%B5%D0%BD%D1%82%D1%8A%D1%82-%D0%BD%D0%B5-%D0%BF%D1%80%D0%B8%D0%B5-%D0%BE%D1%82%D1%87%D0%B5%D1%82%D0%B0-%D0%BD%D0%B0-%D1%81%D0%B5%D0%BC-%D1%81%D0%B0%D0%BC%D0%BE-%D0%B8%D1%82%D0%BD-%D0%BF%D0%BE%D0%B4%D0%BA%D1%80%D0%B5%D0%BF%D0%B8-%D0%BC%D0%BE%D0%BC%D1%87%D0%B8%D0%BB%D0%BE%D0%B2%D0%B0>

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

In 2024, the CEM, as a sign of continuous division in the regulator, it also failed to appoint its own chair after four unsuccessful votes. As a result, the Council members have decided to rotate the chairman position between Gabriela Naplatanova (from the President quota) and Simona Veleva (nominated by We Continue the Change).

According to a report by the Balkan Free Media Initiative, *“Progress in alleviating concerns about political influence on the CEM was made in December 2023 when the Bulgarian National Assembly passed an amendment to the Constitution which mandates a qualified majority for electing members of regulatory bodies, with the goal of enhancing the independence of regulators including the CEM”*.³⁴

Furthermore, *“The political affiliation of the members of the Council for Electronic Media negatively affects the editorial independence of the public media”*, RSF states in its annual report on Bulgaria for 2024.³⁵

Existence and functions of media councils or other self-regulatory bodies

AEJ's 2024 Freedom of Expression Study "Journalism Under Stress" quoted above finds that "self-regulation in the sector is ineffective." 42.2% of participants surveyed for the study agree with this statement. The main tool for self-regulation is set by the Ethical Code of Bulgarian media, adopted in 2004, which is overseen by the Ethics Committee of the Foundation “National Council for Journalistic Ethics”³⁶ and/or the Association “National Council for Self-Regulation”. Despite the Ethics committee, comprised by respected journalists and media experts publishes regular opinions, they lack visibility. On top of that, many media have not signed the Ethical Code. This does not prevent the Commission from monitoring and publishing opinions on their work and possible violations, but the effects are, unfortunately, limited.

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their financial and operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information

³⁴ <https://static1.squarespace.com/static/607edb92071ad0422f427dcb/t/673d83382a6ba7320c647353/1732084581365/The%20Invisible%20Hand%20of%20Media%20Censorship%20in%20the%20Balkans-A%20closer%20look%20at%20media%20ownership%20in%20the%20Balkans%20and%20the%20European%20Media%20Freedom%20Act-BFMI%202024.pdf>

³⁵ <https://fom.coe.int/en/pays/detail/11709492>

³⁶ <https://mediaethics-bg.org/category/stanovishta-i-preporaki/>

and opinions

- **information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance**

No specific legislative or policy measures have been introduced in 2024. On the contrary, political hostility against journalists has significantly increased during the monitored period. The hostile attitude has taken the shape of aggressive rhetoric/threats as well as physical attacks against journalists, which has been acknowledged by the AEJ 2024 survey.

No progress has been achieved in terms of achieving better access to the MPs for parliamentary reporters. In addition, due to the global political processes, the hostility against fact checkers has escalated with hate speech and direct threats.

Some non-transparent changes in the management of the newsroom of the public TV in November also raised questions.³⁷

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners

No particular progress has been made in this regard.

C. Framework for journalists' protection, transparency and access to documents

Rules and practices guaranteeing journalists' independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists

No particular progress has been made in this regard. On the contrary, the attempts by some parties in parliament to push through anti-foreign agent legislation constitutes a significant threat to the freedom of expression and the very existence and functioning of independent media in the country.

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

³⁷ More information on the issue can be found on the following links: https://aej-bulgaria.org/kmet_galabovo/
https://aej-bulgaria.org/politicheska_komunikatsia/
https://aej-bulgaria.org/prazni_stolove/
<https://aej-bulgaria.org/election-day/>
<https://aej-bulgaria.org/category/%d0%bf%d0%be%d0%b7%d0%b8%d1%86%d0%b8%d0%b8/>
<https://aej-bulgaria.org/25092024/>
https://aej-bulgaria.org/agresia_journalist/
<https://aej-bulgaria.org/%d0%bf%d1%80%d0%be%d0%ba%d1%83%d1%80%d0%b0%d1%82%d1%83%d1%80%d0%b0%d1%82%d0%b0-%d0%b4%d0%b0-%d0%b7%d0%b0%d0%bf%d0%be%d1%87%d0%bd%d0%b5-%d1%80%d0%b0%d0%b7%d1%81%d0%bb%d0%b5%d0%b4%d0%b2%d0%b0%d0%bd/>
<https://aej-bulgaria.org/%d1%80%d1%8a%d0%ba%d0%be%d0%b2%d0%be%d0%b4%d1%81%d1%82%d0%b2%d0%be%d1%82%d0%be-%d0%bd%d0%b0-%d0%b1%d0%bd%d1%80-%d0%b4%d0%b0-%d0%be%d0%b1%d1%8f%d1%81%d0%bd%d0%b8-%d0%bf%d1%80%d0%b5%d0%b4-%d1%81%d0%b5/>
<https://aej-bulgaria.org/bnr-rus-amb/>

In November 2023, a mass rally of football fans in Sofia, Bulgaria, against the Bulgarian Football Union leadership quickly escalated into unrest. The Ministry of Interior reported 38 arrests and numerous injuries among both civilians and law enforcement officers. The Association of European Journalists Bulgaria tracked at least 9 cases of police violence and abuse of power against reporters, covering the event. The incidents were broadly covered by media organizations across Europe and an alert was published on the COE platform for the safety of journalists. There was a response³⁸ from the Bulgarian state that was not very satisfactory. However, at the elections on October 27, 2024 the authorities failed to guarantee the safety of journalists, covering the vote across the country. The aggression against field reporters came as a culmination of the election campaign, which was marked by hostility and political pressure against journalists.

The Association of European Journalists, Bulgaria team documented³⁹ four incidents in which members of the media were threatened and/or physically abused while covering the October 27 elections. In three of the cases, the aggression came from representatives of MRF-New Beginning, a new political party led by Delyan Peevski, a powerful politician and businessman sanctioned for corruption under the Global Magnitsky Act. In the fourth case, the threats came from a person posing as a GERB-SDF representative, as well as from a mayor close to the coalition. We demanded answers from the political parties about the behavior of their representatives on the ground, as well as firm actions from the institutions called to guarantee the security of citizens and journalists. A reply on the alert⁴⁰ published by COE is expected by January 25, 2025.

Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

Implications of the attempt to amend the Access to Information (RTI) Act in 2023.

The proposed amendments by a group of GERB MPs in 2023 were the most severe blow to the right of access to public information in a decade, as they undermined a number of provisions in the law that were considered to be unshakable. Despite the fact that those criticised in the public debate by the ODI were not supported by the majority in the National Assembly, attempts are being made to put some of them into practice. For example, in practice there are refusals of access to public information on the grounds that the applicant does not have a registered address in the municipality from which the information is requested. It remains to be seen how the administrative courts apply the provision newly adopted in 2023, according to which abuse of rights is taken into account when awarding costs in FOIA cases.

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

³⁸ <https://rm.coe.int/bulgaria-en-reply-at-least-nine-journalists-physically-assaulted-detail/1680aec7e8>

³⁹ <https://aej-bulgaria.org/en/aej-bulgaria-strongly-condemns-the-violence-and-threats-against-journalists-on-election-day/>

⁴⁰ <https://fom.coe.int/en/alerte/detail/107641671>

SLAPP cases against journalists, media and activists and reactions

In recent years, there has been an increase in lawsuits filed by politicians and businessmen, as well as by commercial companies against media, journalists or civil activists. Some of these show clear signs of the so-called sham lawsuits (SLAPPs), brought with the sole purpose of censoring or threatening critics of public policies. Such are, for example, the lawsuits filed by the insurance company Lev Ins against the website Mediapool with a claim of BGN 1 million, the Kozloduy Nuclear Power Plant against the civil activist Natalia Stancheva for half a million BGN, and others.

During the year, the Access to Information Programme (AIP) publicly expressed positions on some of these cases in partnership with the Association of European Journalists - Bulgaria (AEJ). Following a public appeal by both organisations at the beginning of the year, the claim against Natalia Stancheva for half a million leva was withdrawn. The two NGOs also raised publicly concern in December 2024 on the occasion of a lawsuit filed by the state-owned Southwest University and its dean against the historian Stefan Dechev, an academical who criticised them. In April 2024, the AEJ, AIP and the International Coalition Against SLAPP Lawsuits in Europe CASE co-organised the roundtable "Daphne's Law: better protection of journalists from judicial harassment", where the challenges to freedom of expression in relation to so-called "sham cases" were discussed with the participation of Bulgarian and international experts.

Measures for the transposition of the Anti-SLAPP Directive of the European Union

Between December 2023 and February 2024, the Ministry of Justice (MoJ) composed a working group tasked with preparation of amendments intended to transpose the Directive (EU) 2024/1069 of the European Parliament and of the Council of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings ("Strategic lawsuits against public participation"). Its work was an extension of the broader Working Group on Access to Information and Media Pluralism attached to the Rule of Law Council, co-chaired by the Minister of Justice and the President of the Supreme Judicial Council (SJC).

Representatives from the Ministry of Justice, the AIP, university professors, judges and lawyers participated in the work on the Anti-SLAPP Directive transposition. As a result of the activity, the provisions of a new chapter in the Code of Civil Procedure (CCP) were drafted and proposed establishing a special procedure in this category of civil cases. The proposal provided for a definition and criteria for identifying SLAPP cases, the possibility of early proceedings termination, limiting the possibilities for injunction in the form of respondent's bank accounts blocking, the possibility of guaranteeing the respondent's claim for costs reimbursement, etc. The results of the working group functioning were presented at a meeting of the Rule of Law Council on 19 February 2024.

In summer a new working group was formed, which included almost the same experts, with some new members. At a meeting on 12 September 2024, it was decided to build upon the already elaborated proposal

to the CPC. The work continues, albeit at a rather slower pace.

Interpretative case on whether legal persons can claim compensation for non-pecuniary damage

In July 2024, a hearing was held on Interpretative Case No. 1/2023 of the Plenum of the Supreme Administrative Court (SAC) and the General Assembly of the Civil, Criminal and Commercial Chambers of the Supreme Court of Cassation (SCC). That is to say, practically all the Supreme Court judges are involved in deciding on the interpretative question. The question the SCC and the SAC discuss is formulated as: "Do legal entities have substantive standing to be awarded compensation for non-pecuniary damages?". The case was initiated due to identified contradictory practice, as in few decisions of the SCC the opinion that prevailed for decades that legal persons cannot claim moral damages was changed to the opposite understanding.

The Supreme Bar Council, representatives of the academic community and the Access to Information Programme submitted arguments and opinions on the case. The AIP brief supported by AEJ was also orally presented in the plenary supreme courts session. Four of the submitted opinions were publicly presented in the open session on 10 July.

According to the opinion prepared by the AIP brief supported by AEJ a positive answer to this question would open the door to the so-called SLAPP cases. Even with the previous practice of the courts, which firmly did not allow legal entities to sue for non-pecuniary damages, there have been a series of legal actions trying to change the court practice in suing for publications media, journalists and civil activists:

The concern of the case was widely reported in both the specialized journal "Attorneys Review" and on the media such as Capital, Dnevnik, Mediapool, Sega, 24 Hours, Darik, Nova News, etc.

Both Supreme Courts are yet to rule on the interpretation issue.

IV. Other institutional issues related to checks and balances

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1]/public consultations (including rules and practices on the transparent participation of civil society to policy development and decision-making processes), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

[1] This includes also the consultation of social partners

There is still a continuation of the rather negative trend – most draft laws are prepared within the parliament and not by the Executive, i.e. the relevant ministry. The latest example is the Judicial System Act. MPs should not be deprived of their main right – drafting and adopting laws, nevertheless, it should be noted that the legislative procedure for them is much lighter than when the process goes through the Executive. In

addition, when pieces of legislation are drafted internally in the parliament, this hinders substantially the participation of civil society members.

B. Independent authorities

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

(Cf. the website of the European Court of Auditors:

<https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

The most significant and very negative development here is the fact that Bulgaria is currently the only EU member states that does not have an Ombudsman and a Deputy Ombudsman. It can be interpreted that this is a direct outcome from the changes and amendments in the Constitution from December 2023. Among the ones that were left in force by the Constitutional Court were these related to the exhaustive list of institutions whose managers can be selected to become a caretaker Prime Minister in case of a caretaker government formed by the President. More specifically, these are: 1) the Speaker of the parliament; 2) the Governor of the National Bank or a Deputy; 3) the Chair or a Deputy of the National Audit Office; 4) the Ombudsman or the Deputy Ombudsman.

The Bulgarian Ombudsman was elected by PACE to become the Bulgarian judge at the ECHR, back in April 2024 and the institution was left with its deputy. As it became clear that Bulgaria is heading towards new snap elections and a caretaker government shall be formed, the deputy Ombudsman resigned. So far the Bulgarian parliament has not initiated a procedure for an election of a new Ombudsman and this situation is continuing almost a year by now. It has to be noted here, that unlike the ISJC and the parliamentary quota of the SJC that are elected with qualified parliamentary majority, the Ombudsman is elected with a simple majority. The negligence of the parliament to carry out an election and appointment of a new Ombudsman has to be seriously criticized, as it leaves the country without its national preventative mechanism and without an institution that is tasked by the Constitution with the right to approach the Constitutional Court with a request for declaring as unconstitutional a law which infringes human rights and freedoms.

C. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration, transparency and dissolution rules)

In 2024 the Revival party continued its attempts to initiate the registration of so called "foreign agents" and resubmitted to two consecutive parliaments a draft law, extremely similar to the Russian one. First attempt was made in January 2024 when a Foreign Agents Registration Bill (a.k.a. FARA) was included in the plenary agenda of the 49th Parliament without being passed or even discussed by the necessary parliamentary commissions. The Bill didn't pass but during the plenary it was falsely presented by Mr.

Taslakov from the Revival Party as “absolutely one-to-one with the Democracy Protection Package”.⁴¹ Second attempt was made in September 2024 – in the last working weeks of the 50th Parliament. Both bills propose that any individual or legal entity that has received annual funding of more than 1,000 leva (nearly 500 euros), excluding EU subsidies, should be banned from any activity in the field of media, social work, charity, etc. Recipients of such funding are defined as “foreign agents” and are subject to registration with the Ministry of Justice, and this status will have to be mentioned on the person’s websites, publications and business cards. The week following the submission of the September bill it was distributed for discussion at one of the parliamentary committees presided by the Revival party. It did not pass at first reading in the committee, but the discussions were utilized by MPs for a smear campaign against the civil society organizations.

Shortly after the parliamentary elections in late October 2024 the Revival party once again submitted the FARA Bill in the newly formed 51st Parliament. It is currently distributed to a commission. There are serious concerns that some of the stigmatizing provisions can be reproduced in the regulation of lobbying activities.

In August amendments to the Law on Pre-School and School Education banning the “propaganda of nontraditional sexual orientation in schools” were fast – tracked and adopted in a single day by the Parliament. The vague and unclear amendment has already created a chilling effect among school principals reconsidering their cooperation with CSOs (see more on this below).

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures to protect them from attacks – verbal, physical or on- line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services, as well as available remedies

Perhaps the most significant development from last year is that the Bulgarian parliament adopted amendments to the Law on Pre-school and School Education, as well as proposals for amendments to other laws, which have a strong negative impact on the activities of civil society organizations (CSOs). These include:

1) Amendments to the Law on Preschool and School Education

On August 7, 2024, the National Assembly adopted amendments to the Law on Preschool and School Education that prohibit *“propaganda, promotion or incitement in any way, directly or indirectly, of ideas and views related to non-traditional sexual orientation and/or the definition of gender identity other than biological”* in the education system. These amendments do not address the underlying problems in the country's education system related to the provision of quality and inclusive education for children. On the contrary, they threaten the rights of vulnerable communities and have a negative impact on everyone else.

⁴¹ <https://www.parliament.bg/bg/plenaryst/ns/55/ID/10847>

The amendments were rushed through the readings in just one day without any public debate. They are unconstitutional, illiterate, untenable and legally and grammatically vague. Furthermore, they promote hatred of those who are different and create the conditions for the depersonalization of any person who is different in any way. In practice, these changes directly restrict the activities of civil society organizations working to defend the rights of sexual minorities, or in the sphere of health and sex education. From the perspective of philanthropic organizations - this significantly changes their strategic approaches to achieving impact through philanthropic investments in education and human rights. Established partnerships with school communities are disrupted (the amendments have a strong chilling effect) limiting children's access to various forms of non-formal education. As a result of this law, several investigations against Single Step Foundation and Bilitis Foundation (both having a license to work with children and young people) were initiated requesting revisions of their licenses.

2) Amendments to the Child Protection Act

One of the parliamentary represented parties has proposed legal changes to the Child Protection Act to restrict access to gender information in a variety of public places. In practice, the changes would hinder access and work between civil society organizations and school communities too. They did not pass the majority of votes in the National Assembly.

There has been public discussion and anticipation of changes to the Cultural Patronage Law, but due to the cyclical nature of elections and the lack of a stable government, there has not yet been an effective process. The current law is bad, dysfunctional, unpopular, and not even an effective measure of tax incentives for giving. There is no process to improve it, because of the political crisis, and so it effectively blocks any measure to encourage private giving to culture and arts.

In addition, in 2024 the state has not set any specific measures to safeguard CSOs and human rights defenders. Meanwhile, general protective mechanisms also fail to do so. In 2024 the Commission for Personal Data Protection (CPDP) finally ruled on complaint by 22 CSO representatives against the Revival Party which back in 2022 made public a list of the names of CSO representatives together with their PINs (a practice strictly forbidden by the Bulgarian Data Protection Law) coining them as “foreign agents”. According to the decision of the Commission there was a violation, however, it wasn’t serious enough to justify a sanction. The decision of the CPDP was appealed at the Sofia Administrative Court. Decision of the court pending.

In August the CPDP announced that it is starting an investigation of a “black list” disseminated in the online channels of the Revival Party of teachers who have signed a petition against the amendments to the Law on Pre-School and School Education banning the “propaganda of nontraditional sexual orientation in schools.” However, no information for further development followed. The Commission is one of the numerous regulatory bodies that is functioning with an expired mandate.

With regard to the LGBTQ community in Bulgaria, the country is still struggling with institutional discrimination against it. Bulgaria is on one of the last places in Europe in terms of tolerance and in one of the places with the highest rates of discrimination against LGBTQ people. This hostile environment is supported by political dependence and corruption in Bulgarian courts.

Through the work of Deystvie organization a persistent pattern of decisions and actions that negatively target the LGBTQ community can be observed. In 2024 alone there were several judgments by Supreme courts in Bulgaria which target and restrict the rights of the LGBTI community. The Supreme Administrative Court disregarded the judgement of the Court of Justice of the EU on [C-490/2020 V.M.A. v. Pancharevo municipality, Bulgaria](#) case on the recognition of birth certificates of children born in same-sex families and SAC left Baby Sara stateless. Bulgarian Courts and municipalities continue to ignore and refuse to implement the C-490/2020 ruling. Due to previously conflicting judgments from the Supreme Court on LGR requirements, the General Assembly of the Civil College (SC) of the Supreme Court of Cassation (SCC) [issued](#) an interpretative decision in late February 2023. The decision [stated](#) that as gender is an unchangeable biological factor, legal gender recognition should not be possible in Bulgaria. This is despite a significant body of ECtHR cases ruling that lack of access to legal gender recognition is a violation of Article 8 ECHR, including the Bulgarian Y.T. v. Bulgaria case. Y.T. v. Bulgaria is among the rare cases where the ECtHR has adjudicated on the revision of a judgment under Rule 80 of the Rules of the Court. In its [original judgment](#) of 9 July 2020, the ECtHR found a violation of ECHR Article 8 as domestic courts refused to grant legal gender recognition (“LGR”) to the applicant without providing relevant and sufficient reasons and without explaining why it had been possible for domestic courts to grant LGR in other cases.

Upon a request by the Bulgarian government, this judgment was revised by the ECtHR on 4 July 2024. In this [second judgment](#), the Court decided that the application was inadmissible as the applicant had not disclosed to the Court the fact that he had obtained LGR in a second national court proceeding while his case was pending before the Court, which constituted an abuse of rights. The Court nevertheless made clear that this revision did not affect Bulgaria’s obligations under Article 8, confirmed in the case of [P.H. v. Bulgaria](#).

Ever since after the General Assembly of the Civil College (SC) of the Supreme Court of Cassation (SCC) [issued](#) an interpretative decision in late February 2023 no trans person managed to changed their legal gender marker. In the few cases, which finished positively, the judgments did not enter into force.

Even though there is a CJEU ruling on C-4/24, Mirin which provides specific requests to Member States Bulgarian courts refuse to recognize and subscribe the gender identity of people obtained in other Member States. All cases pending before the Supreme Court of Cassation are stopped for now.

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

The Civil Society Development Council (CSDC) was established as an advisory body to the Council of Ministers to improve the interaction between the state and civil society organisations. The Council is composed of 14 CSO representatives and chaired by the respective Deputy Prime Minister. The Council is, unfortunately, working not regularly and there were no official meetings held in 2024. The 2022-2024 CSDC Report expresses concerns about this delay in the work of the Council (the main reason for it being the lack of appointed Deputy Prime Minister responsible for the Council) and calls for real action to improve the environment for CSOs. One of the tasks of the Council is to develop a mechanism for

funding CS projects with public funds.

Three years in a row, BGN 1 million is planned and allocated in the state budget for CSO projects through the Civil Society Development Council (CSDC). However, due to problems in the legal framework, lack of political will and administrative bottlenecks, these public funds are not only not used effectively but also accumulate as unrealised funds. At the end of the first mandate of the CSDC, no financial mechanism has yet been finalised and adopted by the Government.

Different CSOs receive significant public funding from the state budget, which passes through various ministries - either through public procurement procedures or specific projects and programmes grants. According to the State Budget Law, these funds amount to about 190 million BGN per year. However, these budgets are often unclear and non-transparent, leading to criticism and dissatisfaction among the public. Many people question why CSOs are constantly asking for more funding when they already receive significant amounts. This is further used to reinforce the rhetoric against active CSOs.

According to the Law on Measures against Domestic Violence, the planned funds for organisations providing services in this area cannot be allocated due to the lack of the necessary mechanism. This means that even when funds are provided, they cannot be used effectively and practices aimed at assisting victims of domestic violence are not encouraged.

Tax incentives for donors (individual or corporate) are ineffective. Too few donors declare their donations and benefit from tax incentives. There are various reasons, e.g. people do not want to create additional administrative difficulties for themselves. Overall, this further limits the possibilities for funding important social projects and initiatives. As a result, many projects and programmes that could improve people's lives and solve real social problems remain unrealised.

Any other developments related to the system of checks and balances - please specify

Regulatory bodies - The problems with the expired mandates of public institutions in Bulgaria, which members are solely or partially appointed by the National Assembly, have continued deteriorating. As of October 22, 2024, the total number of expired or prematurely terminated mandates is 85 (in 17 bodies) for which the National Assembly needs to conduct elections.⁴² Although the Constitutional Court in a decision about the functioning of the Inspectorate to the Supreme Judicial Council outside its mandate, postulated that the principles of legal stability and continuity have priority, it also added that such functioning is admissible in a "reasonable time period".⁴³ Currently, we have institutions, among these 17, that operate in their third mandate, whilst their members have not been renewed.

Several parliaments have failed to take even small steps towards strengthening institutions and have contributed to further chaos with controversially organized election procedures or unjustified changes in

⁴² For detailed lists of institutions and mandates see: <https://appointmentsboard.bg/>

⁴³ Decision No. 12 of 27.09.2022 of the CC in case No. 7/2022 on the request of the Plenary of the Supreme Administrative Court (SAC) of the Republic of Bulgaria for a binding interpretation of the provision of Art. 1 and 2, Art. 1, Article 8 and Article 117(2) of the Constitution of the Republic of Bulgaria, on which, according to the petitioner, there are contradictory interpretations by the Judicial Chamber of the Supreme Judicial Council (SJC) and the Inspectorate to the SJC

bodies since April 2021. The inability of the Bulgarian National Assembly to form a will to respect the Constitution and the laws of the country deepens the political crisis, undermines the prestige and reduces the credibility of the legislative power. This inability is already becoming the basis of the looming constitutional crisis. The legal chaos with appointments is reaching dimensions that are unprecedented in our recent history and threaten the normal functioning of the state government and entire sectors of society, especially in the light that: 1) in a reference to a preliminary ruling from the Sofia District Court in Joined Cases C-313/23, C-316/23 before the Court of Justice of the European Union on the competence of the Inspectorate of the Supreme Judicial Council to initiate disciplinary proceedings against judges and prosecutors when their term of office has expired, Advocate General Priit Pikamäe in his opinion shares the opinion that the ISJC cannot perform its functions after the expiry of its term of office because this is contrary to EU law[1]; 2) the election of bodies such as the Anti-Corruption Commission is only possible indirectly through other bodies, as it provides for the participation of a representative of the Ombudsman, and currently there is neither a head nor a deputy of the institution (Art. 8(4) of the ACA); 3) the latest caretaker Prime Minister is incompatible with holding the post of President of the Court of Auditors, therefore there is no legal possibility for him to return to this post and a procedure for the election of the President of the National Audit Office should be initiated.

BILI has repeatedly urged Parliament to (1) initiate procedures to appoint members of public bodies with expired terms of office and (2) improve its internal organization and procedures to ensure transparency, accountability, fairness, competitiveness and professionalism of people appointed to the various regulatory, oversight and sanctioning bodies. Other civil society organizations have joined these demands.⁴⁴

Election process – This is a topic that should require a more targeted attention throughout the EU and not only, as the problems with the election process are deepening.

Since 2021, Bulgaria has had seven parliamentary elections, including two campaigns in 2024. Political formations are constantly in a state of campaigning, which makes the electoral process and its administration the main topic of their messages. The public debate is mainly focused on voting methodology (machine or paper ballots), problems of vote buying and controlled vote and administrative irregularities. This discourse has displaced political discussions on policies and programs and undermined the expert conversation on the effective organization of elections.

The overexposure of the problems concerning the electoral process - a key element of democracy, has significantly reduced the public's trust in it, with voter turnout steadily declining. Parliaments are also becoming more fragmented and less representative, and opinion polls reflect a decline in approval of the National Assembly and parliamentary democracy in general.

In this situation of a continuous political crisis, the parties have difficulties to find common lines to implement policies, which lead to the rise of populist rhetoric. Instead of focusing on important social and economic issues, legislative initiatives are often reduced to extreme and populist proposals that restrict basic

⁴⁴ See, for ex.: https://bili-bg.org/12/1298/news_item.html; https://bili-bg.org/12/1244/news_item.html

democratic and human rights - for example bills to abolish "LGBTI propaganda" in schools, to register CSOs and activists as foreign agents, etc.

Frequent elections and the lack of stable parliaments have led to a transfer of the legislative initiative to interim governments, which in principle should have a temporary role. Their main function is to ensure the conduct of fair elections, but in recent years they have started to shape the country's long-term policies in various areas.

As mentioned above, the lack of political accountability that led to the series of elections undermined the trust in the electoral process itself. According to Gallup International, just before the parliamentary elections in October 2024, trust in the elections in Bulgaria is at critical levels - only 18% of Bulgarians believe that they are free and fair and the overall trust in both the political parties and the electoral rules under which our political system operates has deteriorated.

The key processes and issues related to the 2024 elections

- **Emergence of new populist parties and strengthening of their positions in parliament**

At the beginning of the year such political formations were mainly Revival and to a lesser extent There is Such a People. After June though, in the two parliaments that functioned in 2024, new populist parties emerged - Greatness and SWORD and they entered in the National Assembly. Both use extreme rhetoric. It is worth noting that the party Greatness gathered its support mainly through social media campaigning - most notably Tik Tok and YouTube. Also Revival and There is Such a People radicalized their positions and behavior to an even greater extent.

- **The split in the Movement for Rights and Freedoms**

The political instability has led to a division in one of the main parties in the country, which has been part of all national assemblies since the 1990s - the Movement for Rights and Freedoms (MRF). It has split into two fractions - one around Delyan Peevski (an oligarch sanctioned under the global Magnitsky Act and the British legislation too) and the other around the party's founder Ahmed Dogan. What happened in the MRF was accompanied by a number of court battles (some of them still ongoing) during the parliamentary elections of October 2024 and affected the work of the election administration at all levels.

- **Vote buying and controlled vote**

Vote-buying and controlled vote were major issues during both campaigns in 2024, but particularly intensified ahead of the October election. In considerable part, the split in the MRF and the opposition between its two fractions contributed to this issue. A key question was how many votes and in what way Delyan Peevski's group would be able to win. Some of the pro- democratic forces participating in the elections focused heavily on the pressure placed on large groups of the voters in various places around the country. The interim

government, in particular the Ministry of the Interior, carried out a number of actions countering vote-buying. Yet, the parties and the Presidential institution judged these efforts as insufficient and the public was left with serious doubts about the fairness of the elections.

- **Appealing the election results to the Constitutional Court**

The numerous concerns about the fairness of the elections, the observed irregularities in the vote counting at the end of the Election day, and the small number of votes (21) that were not enough for the Greatness party to enter the parliament led to appeals of the results from the last elections. This is why deputies have submitted 5 appeals filed to the Constitutional Court to challenge the October 2024 election results in part or in full. On this basis, the Court decided to recount the results in nearly 20% (1 777) of the polling stations. This is a precedent in the democratic history of the country - there has never been such a decision on this large scale. It is possible that as a result of the recount, the party Greatness will be able to enter into Parliament. All this is happening in a background of political instability and doubts about the successful formation of a stable government.