

Contribution of the Republic of Bulgaria to the 2021 Rule of Law Report

Introduction

By Decision No 806 of 6 November 2020, the Council of Ministers approved a plan for the implementation of measures in response to the recommendations and challenges expressed in the European Commission's 2020 Rule of Law Report, The Rule of Law Situation in Bulgaria from 30 September 2020.

The plan covers measures put forward by the competent authorities forming part of the executive and the judiciary as well as the independent authorities under each of the four pillars in the Commission's report: the justice system, the anti-corruption (legal) framework, media pluralism and media freedom, and other institutional issues related to checks and balances.

As part of the justice system pillar, Bulgaria plans to introduce measures to complete the reforms of the judiciary relating to the figure of the Prosecutor General, their line of reporting and criminal liability. These reforms are set to take into account the opinion of the Venice Commission and the effective constitutional framework in Bulgaria. Additional measures will aim at improving the operation and fostering the independence of the Inspection Service of the Supreme Judicial Council, disallowing public access to applications to join trade unions submitted by magistrates and improving access to judicial redress *inter alia*.

As part of the anti-corruption (legal) framework pillar, Bulgaria plans to introduce measures to improve the effectiveness of investigations of cases of corruption offences and achieve more substantial results in this sphere by requiring cases concerning corruption offences (in their pre-trial and trial stages) to undergo comprehensive analyses. Resources (number of investigative authorities and prosecutors, specialisation in the sphere or lack thereof) will also be analysed. Expert proposals for legislative amendments to the Criminal Code (CC) and Criminal Procedure Code (CPC) will be drawn up and discussed by a working group that includes representatives of the judiciary and the executive, academia, etc. Measures to improve the overall functioning of the Commission for Counteracting Corruption and for Seizure of Illegally Acquired Property will be considered (attracting further human resources, fostering the transparency of the Commission's work and cultivating public trust in it).

Matters under the media pluralism and media freedom pillar will be part of the priorities of the Media Climate section of the National Development Programme Bulgaria 2030. Public debates are planned on issues related to the protection of journalists from abuse, strengthening transparency in the assignment of government advertising contracts and the concentration of ownership of media, all for the purpose of adopting remedies. An increase in the capacity and resources of the Council for Electronic Media has been planned.

The adoption of a "Manual for carrying out subsequent assessment of impacts" by the Council of Ministers took place within the pillar of "Other institutional issues with relation to the principle of checks and balances". A requirement was adopted for the carrying out of a preliminary assessment of every draft act of secondary legislation by ministers when such acts are pertinent to economic, social, or environmental impacts, an increase of the resources of the Committee against Discrimination and the Ombudsman.

The decision was published on the Portal for Public Consultations¹, enabling all interested persons to submit their comments and proposals at the email address provided, all for the purpose of building upon the measures envisaged in the Plan.

A) Legislative developments

- Newly adopted legislation
- Legislative drafts currently discussed in Parliament

¹ <http://strategy.bg/StrategicDocuments/View.aspx?lang=bg-BG&Id=1314>

- Legislative plans envisaged by the Government

In view of Constitutional Court Ruling No. 11/23 July 2020 in Constitutional Case No. 15/2019, according to which the supervision regarding lawfulness and the methodological management of the performance of all prosecutors that are carried out by the Prosecutor General under Article 126(2) of the Constitution shall exclude all instances of a prosecutor carrying out checks, investigations and other procedural actions in connection with allegations against the Prosecutor General, a bill for supplementing the Code of Criminal Procedure was submitted to the National assembly on 3 December 2020. It provided for the establishment of the position of a prosecutor in charge of investigating the Prosecutor General or a deputy thereof. This prosecutor shall solely perform checks and investigations against the Prosecutor General or a deputy thereof. The prosecutor responsible for investigations against the Prosecutor General or their deputy is to be elected by the Plenary of the Supreme Judicial Council (SJC) with a majority of 15 votes, thus making it possible for members of the College of judges at the SJC to also take part in the election. The prosecutor responsible for investigations against the Prosecutor General shall hold the post for five years and shall not be eligible for election to a second term. When his term runs out or in case of an early termination thereof under item 2 of Article 129(3) of the Constitution of the Republic of Bulgaria, the prosecutor responsible for investigations against the Prosecutor General or deputies thereof shall be appointed to the position he held prior to his election or to a position of equal grade, or to a position one grade higher than the one he held in the judiciary prior to his election. The choice should be the prosecutor's, which would guarantee his independence. The amendments to the draft Act explicitly envisage that the rules for *ex officio* supervision by superior prosecutors and the Prosecutor General do not apply to the acts of the prosecutor responsible for investigations against the Prosecutor General or their deputy. This way, the Constitutional Court ruling cited and the principle of *nemo iudex in causa sua* have also been taken into account. Furthermore, a current Constitutional model has been duly observed, according to which prosecutors and only prosecutors may indict individuals who have committed criminal offences. Therefore, there is a provision requiring that the prosecutor responsible for investigations against the Prosecutor General or their deputy is part of the Prosecutor's Office of the Republic of Bulgaria.

These amendments were made in implementation of a key ruling of the European Court of Human Rights in the Kolev Case and the ensuing recommendations contained in the independent technical analysis of the Prosecutor's Office of the Republic of Bulgaria and the European Commission for Democracy Through Law (the Venice Commission) on the adoption of an effective mechanism for investigating the Prosecutor General, whose final version reflects the Venice Commission's Opinion 968 of 9 December 2019 and the opinion of the head of the Council of Europe's Human Rights Directorate, according to which no fewer than six members of the Supreme Judicial Council's Plenum may nominate candidates for prosecutors for investigations against the Prosecutor General or their deputy as well as for making it possible for any prosecutor to apply for this position. This would make it possible also for members of the College of Judges to nominate candidates.

A two-tier judicial control is being put in place for decisions on refusal to initiate pre-trial proceedings by a prosecutor for investigations against the Prosecutor General or their deputy, thus ensuring a review of such acts of this prosecutor. All substantive acts by the prosecutor for investigations against the Prosecutor General shall thus be subject solely to judicial control.

The Amendment Bill to the Code of Criminal Procedure was put to debate at plenary session and was adopted by a second vote on January 29, 2021.

The President of the Republic of Bulgaria vetoed by Decree No. 41 of 10 February 2021 (promulgated State Gazette No. 12/12 February 2021) the Act to Supplement the Code of Criminal Procedure adopted by the 44th National Assembly on 29 January 2021, thereby returning it to the

National Assembly for a new debate.² The National Assembly's Commission for Legal Issues supported the Act once again on 16 February 2021. The Act was put to the vote again at a plenary session on 17 February 2021 and was promulgated³.

In due implementation of a measure under the Plan, Section 1 Judicial System, Formation of Joint Working Group for drafting an Act to amend and supplement the Judicial System Act in view of the amendments proposed by the Supreme Judicial Council's Inspectorate: integrity checks, disciplinary liability of magistrates, creation of deontological prevention system, property and interests declarations under section 1a of the Judicial System Act, as well as on the status of the Inspectorate and the inspectors within the judicial system, making it possible for members of Parliament to nominate candidates for inspectors from among the persons who had been nominated at plenary sessions of the Supreme Court of Cassation and the Supreme Administrative Court, by the trade and professional organizations or by applying the model for election of members of the Supreme Judicial Council from the professional quotas - by the General Meetings of judges, prosecutors and investigating magistrates, as well as regarding the budget of the Supreme Judicial Council's Inspectorate; the Minister of Justice issued Ordinance No. LS-13-88/21.12.2020 to form a working group tasked with drafting an act to amend and supplement the Judicial System Act for the purpose of responding to the recommendations of the Venice Commission that were quoted in the 2020 Rule of Law Report with reference to the Inspectorate of the Supreme Judicial Council. Implementing the Measure on "Participation by Ministry of Justice Experts in Drafting an Act for Amending and Supplementing the Code of Civil Procedure and the Code of Criminal Procedure with a View to Regulating Rules for the Exercise of Procedural Rights in Electronic Form", Section I "Judicial System", the Act for Amendment and Supplementing of the Code for Civil Procedure was promulgated in the State Gazette No. 110 of December 29, 2020. These amendments established rules for the exercise of procedural rights in electronic form within the civil procedure and the criminal procedure. The amendments to the Code of Civil Procedure established rules for serving communications and summonses to electronic addresses, an option to pay fees and other dues to the court by electronic means, as well as to carry out procedural actions in electronic form.

The amendments proposed for the Code of Criminal Procedure will regulate: the preparation of court papers in electronic form; the exercise of procedural rights and conduct of procedural steps electronically by the parties; rules for sending writs of summons and for notifying the victim on the course of criminal proceedings; rules for sending writs of summons, communications and papers in the trial stage of criminal proceedings; rules for sending writs of summons, communications and papers in the trial stage of criminal proceedings; rules for holding court hearings by video teleconferencing (VTC) when adopting detention and arrest measures in pre-trial and trial proceedings.

In relation to the reform mentioned, additional amendments should be mentioned, such as those to the Code of Civil Procedure (CCP) amendments (published in SG No 98 of 2020), as well as amendments to the Administrative Procedure Code (APC) and Criminal Procedure Code (CPC), which established a legal framework for using VTC in civil and administrative proceedings and for enhancing the opportunities for their use in criminal proceedings. More specifically, the CCP, APC and CPC amendments and supplements regulate the use of VTC in the carrying out of interrogations and hearings in civil and administrative proceedings where the administrative body or respective trial panel, witnesses, experts, parties or interpreters have been physically present at different locations in the country. Enlarged are the opportunities for using VTC as a tool for collecting evidence in the carrying out of separate investigation-related and judicial procedure actions, where pre-litigation and respectively litigation procedure participants are located at

² <https://lex.bg/bg/laws/ldoc/2137209837>

³ <https://dv.parliament.bg/DVWeb/showMaterialDV.jsp;jsessionid=1F75030666BDF45BF333A7BA109BBD8E?idMat=156081>

different locations in or outside the country, in order to provide pre-litigation bodies and courts with better flexibility in the reproduction of evidence and means of evidence in criminal proceedings. The CCP, APC and CPC amendments in the field of VTC have been a consequence of the need to speed up civil, administrative and criminal proceedings and to reduce costs for their implementation.

Finally, there is the need to update legislation with respect to its instruments for collecting evidence. When considering global processes and our judicial system's workload, the application of VTC in civil, administrative and criminal proceedings offers significant potential.

A draft act on amending the Code of Civil Procedure was submitted to the National Assembly under № 102-01-7 of 21 January 2021. It will make possible the setting up of an electronic information system - the National Register of Liens in the Republic of Bulgaria - in order to consolidate in a single database all information on movable assets that are subject to registration and have been impounded under enforcement cases. Duly authorized authorities and persons inside the country and abroad will have access to this system.

The Supplementing Act to the Judicial System Act (promulgated, State Gazette no. 86/2020) established rules and regulations for:

a) Automated Information System (AIS) "Consolidated Register of Forensic Experts" containing all data recorded in the lists of specialists approved to act as forensic experts. The "Consolidated Register of Forensic Experts" enables the authorities engaged in the pre-trial and trial proceedings to quickly and easily locate forensic experts with the appropriate areas of expertise for provision of any expert opinions they might require. The setting up and commissioning of the consolidated national Register would create a convenient interface for selection of forensic experts based on preset criteria when specific expertise and knowledge levels are required.

b) the consolidated Information System for Judicial Enforcement (ISJE) in the Republic of Bulgaria, which consolidates in a single database the information on the status of the enforcement cases. Any user inside and outside the country's territory will have access to this system. The main goal of this Act is to provide centralised electronic access to data about the constitution, progress and completion of the enforcement cases in the Republic of Bulgaria, setting the start of a process of building an effective, secure, and coherent electronic environment for the enforcement process. In the process of the implementation of the Measure "Discussion of expert proposals for legislative amendments to the Penal Code and the Code of Criminal Procedure by a working group of representatives of the Ministry of Justice, the Prosecutor's Office of the Republic of Bulgaria, the Supreme Court of Cassation, the Bar, and the Academic Community, etc", Section II "Anti-corruption Legal Framework," the Minister of Justice issued an Ordinance to form a working group tasked with discussing expert proposals in the areas of material and criminal trial law.

As regards the measure 'Establishing a working group for researching best European practices, drafting a concept for regulating lobbying in line with the European Commission's recommendations and standards, Recommendation CM/Rec(2017)2 of the Committee of Ministers of the Council of Europe to Member States related to the legal framework on lobbying in the context of public decision-making and conducting public consultations on the concept to serve as a basis for bill drafting', Section II (Anti-corruption Legal Framework), a working group is currently being put together to implement the said measure.

B) Policy developments

- Implementation of legislation
- Evaluations, impact assessment, surveys
- White papers/strategies/actions plans/consultation processes
- Follow-up to reports/recommendations of Council of Europe bodies or other international organizations
- Important administrative measures

- generalized practices

Upcoming is the implementation of Measure “Carrying out a subsequent evaluation of the impact of the amendments to the Code of Criminal Procedure regarding the criminal prosecution of corruption-related offenses” Section II (Anti-Corruption Legal Framework) in line with the model Report on subsequent evaluation of the impact, approved at a session of the Administrative Reform Council on 28 January 2021. The report details provisions in the Statutory Instruments Act, the Regulation on the Scope and Methodology for Evaluating the Impact and the Manual for conducting subsequent evaluation adopted by Decision 885 of the Council of Ministers on 3 December 2020 and also in view of the two-year time period allowed for finalizing activities in connection with this measure.

In the course of the implementation of the Measure “Continuation of the Council’s activities on implementation of the Updated Strategy for continuation of the reform of the judicial system on discussion of the draft statutory instruments in the field of judicial system reform with the participation of representatives of civic society and non-governmental organisations” under Section IV “Other institutional Issues connected with the principles of checks and balances”, continues the reporting on the implementation of the measures contained in the Updated Strategy for continuation of the reform of the judicial system and the Updated Roadmap attached thereto. A report was developed in January 2021 on the implementation of the measures under the Updated strategy for judicial system reform by 31 December 2021. This report is due to be discussed at the next meeting of the Council that is due to take place by VTC in compliance with the measures for prevention of the spread of COVID-19.

C) Developments related to the judiciary / independent authorities

- Important case law by national courts

- Important decision/opinions from independent bodies/authorities

- State of play on terms and nominations for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, heads of independent authorities beyond the judiciary)

A total of 13 interpretative cases were opened at the Supreme Court of Cassation in 2020:

- three interpretative cases before the General Meeting of the Civil Law College - Interpretative Case No. 1/2020 (work at night by employees of the Ministry of Interior), Interpretative Case No. 2/2020 (Is sex change by legal means admissible?) Interpretative Case No. 3/2020 (claim under Article 108 of the Co-owner’s Property Act)

- one interpretative case before the General Meeting of the Commercial College - Interpretative Case No. 1/2020 (company law and Commercial Register)

- seven interpretative cases before the General Meeting of the Civil Law and Commercial Colleges

- Interpretative Case No. 1/2020 (ex-officio verification of the legality of a business transaction), (Interpretative Case No. 2/2020 (objection to deduction), Interpretative Case No. 3/2020 (moment when the Enactment by the Supreme Court Plenum No. 3/18 November 1980 may trigger action (when can the revocation of this enactment have triggered the action taken regarding item 10 of the Commercial Register No. 2/26 June 2015 in interpretative Case No. 2/2013 of the General Meeting of the Civil Law and Commercial Colleges of the Supreme Court of Cassation and can it apply to collection of receivables under an enforcement case that had been filed prior to its adoption? Interpretative Case No. 4/2020 (claim under Article 19 (3) of the Obligations and Contracts Act referring to deferred payments), Interpretative Case No. 5/2020 (absence of consent to an incapacitated person entering into a contract), Interpretative Case No. 6/2020 (revocation of an assignment order), Interpretative Case No. 7/2020 (mandatory or voluntary partnership with a view to claims for annulment filed by third parties);

- Two interpretative cases before the General meeting of the Criminal Law College - Interpretative Case No. 1/2020 (does the granting of loans depending on occupation by using funds that had not

been collected through public enrollment of deposits or other replenishable means, constitute a banking operation and does its unlicensed practice constitute a criminal offense under Article 252 (1) of the Penal Code) Interpretative Case No. 2/2020 (in what cases and in what circumstances may a prosecutor under Article 198 (1) of the Code of Criminal Procedure authorise the public disclosure of the materials in an investigation with three sub-questions).

In 2020, the Supreme Court of Cassation adopted and announced two interpretative decisions by the General Council of the College of Civil Law Judges of the Supreme Court of Cassation: Interpretative Case No. 1/2018 of 4 June 2020 (deadlines for checks under civil confiscation laws), Interpretative Case No. 2/2019 of 25 November 2020 on item of Case No. 2/2019 (request for judicial protection under the Protection from Domestic Violence Act).

The final acts in two interpretative cases were adopted in 2020 and are yet to be announced.

- Interpretative Case No. 2/2015 on the list of the supreme Court of Cassation before the Civic and Commercial Law Colleges of Judges of the Supreme Court of Cassation and the First and Second Colleges of Judges of the Supreme Administrative Court on the matter of: “Which court, and using what procedure, shall hear claims regarding the liability of the state for damages incurred by violations of EU law?”. On 27 November 2020, the General Meeting of the Judges of the Civil and Commercial Law Colleges at the Supreme Court of Cassation voted and adopted a determination on rejection of the request, which is yet to be announced.

- Interpretative Case No. 1/2019 on the list of the Supreme Court of Cassation before the Civic and Commercial Law Colleges of Judges of the Supreme Court of Cassation and the First and Second Colleges of Judges of the Supreme Administrative Court on the matter of: “From the hypotheses under Article 10(2) and, respectively, Article 10(3) of the Act on the Liability for Damage Incurred by the State and the Municipalities, does the plaintiff owe costs for compensation to legal counsels when the corporate entity per the claim under Article 205 of the Code of Administrative Procedure is represented in the judicial procedure by a legal expert who is employed by it?”

On 27 November 2020, the General Meeting of the Judges of the Civil Law College and the First and Second Colleges of the Supreme Administrative Court voted and adopted a determination rejection of the request that is yet to be announced.

The amendments to the Act on the Liability for Damage Incurred by the State and the Municipalities (State Gazette no. 94/2019) established the provision in Article 2c that determines how to handle claims against the state resulting from violations of EU law. Under this amendment, claims for damages caused by the ruling of the administrative courts and the Supreme Administrative Court are examined under the Code of Administrative Procedure, and in all other cases, under the Code of Civil Procedure. When a claim is made against several defendants, it must be examined under the Code of Administrative Procedure if an administrative court, the Supreme Administrative Court, or a person is a side in the case for damages caused by or in connection with administrative activities. The amendments address the question about the costs of legal counsel when the defendant (a corporate entity) is represented by a legal expert in the judicial process. In such instances, corporate entities are awarded compensation if they had been represented by a legal adviser with the maximum amount of that compensation not exceeding the maximum amount set for the particular case at hand under the Legal Assistance Act.

D) Any other relevant developments

- National authorities are free to add any further information, which they deem relevant; however, this should be short and to the point.

I. Justice System

A. Independence

1. Appointment and selection of judges, prosecutors and court presidents

2. Irremovability of judges; including transfers, dismissal and retirement regime of judges, court presidents and prosecutors

3. Promotion of judges and prosecutors

4. Allocation of cases in courts

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

A Public Register ⁴ of cases of violation of the independence of the judiciary was made accessible on the website of the supreme Judicial Council in December 2020. The register is updated regularly with information provided by judiciary authorities.

6. Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal liability of judges.

7. Remuneration/bonuses for judges and prosecutors

In view of the conclusions and recommendations in the European Commission report on the rule of law in 2020 of 30 September 2020 and the GRECO report for the fourth round of assessment in the section referring to setting supplementary compensation in the judicial system, the Plenum of Supreme Judicial Council adopted a decision on item 32 of Protocol 26/22 October 2020 to form a working group that includes representatives of the Budget and Finance Commission, the Legal Issues Commission and judicial system bodies (Supreme Administrative Court, Supreme Court of Cassation, and the Prosecutor's Office of the Republic of Bulgaria) that had until 20 November 2020 to propose to the Plenum of the Supreme Judicial Council amendments and supplements to the Rules for determining and payment of supplementary compensation to magistrates, which set clear, objective, and transparent criteria for determining the amounts of supplementary compensations and also limit the discretionary powers of administrative chiefs.

The preparation of the draft rules for determining magistrates' supplementary compensation was delayed because of the pandemic and sickness of some of the members of the working group.

Pursuant to item 26 of Protocol No. 43 of the session of the Budget and Finance Commission of 16 December 2020, information was provided regarding the actions taken by the Supreme Judicial Council for amending and supplementing the Rules for the Supplementary Compensation of Magistrates.

Draft Rules for the Supplementary Compensation of magistrates and employees in the judicial system for performance of their regular duties during the current years have been prepared so far. The draft has taken into account the recommendations contained in the European Commission 2020 Rule of Law Report of 30 September 2020 on overcoming the administrative dependence of magistrates when an administrative chief determines the amounts of supplementary compensation by putting in place clear rules and indicators for assessing magistrates' performance, as well as auxiliary bodies to perform the assessment, thereby limiting the clout of the administrative chief. The recommendations contained in the GRECO report from the fourth round of assessment. The working group is yet to discuss the changes and they have to be submitted for examination at a session of the Plenum of the Supreme Judicial Council by 10 March 2021.

8. Independence/autonomy of the prosecution service

The independence of the Prosecutor's Office of the Republic of Bulgaria as an element of the judicial system is Constitutionally guaranteed by the constitutional principle of independence of the judiciary, which declares that when performing their functions prosecutors and investigating magistrates answer only to the law.

According to Article 143 of the Judiciary Act, all instruments and actions of a prosecutor may be appealed before the immediately superior prosecution office, unless they are subject to judicial review. In the legally stipulated cases, upon the revocation of a prosecutorial instrument, written

⁴ <http://www.vss.justice.bg/page/view/106204>

and reasoned directions may be given solely regarding the application of the law, without affecting the inner conviction of the prosecutor.

One should take into account in this context Ruling No. 11 of the Constitutional Court of the Republic of Bulgaria in constitutional case No. 15/2019 of 23 July 2020, according to which the supervision for ascertaining lawfulness and the methodological management of the activities of all prosecutors, carried out by the Prosecutor General under Article 126(2) of the Constitution should not cover cases in which a prosecutor is engaged in checks, investigations, or other procedural actions in response to complaints against the Prosecutor General.

While an investigation or check is carried out in response to a complaint against the Prosecutor General, he shall retain his constitutional status of Prosecutor General but shall also acquire a new status of a person investigated because of a complaint, or the status of a person under investigation. It is his duty to bear the consequences of the check or investigation which stems from the rule that “no one can be his own judge”.

On his part every prosecutor is functionally independent also when he is tasked with checking or investigating complaints against the Prosecutor General, he only obeys the law. In this case the supervision of the lawfulness of the actions and the methodological management on the activities of all prosecutors, ordinarily performed by the Prosecutor General under Article 126 (2) of the Constitution, are suspended.

9. Independence of the Bar (chamber/association of lawyers) and of lawyers

Supreme Bar Council conducts constant monitoring of the draft laws, providing also analysis of the submitted bills and enactments that are offered for public debate on the National Assembly’s Portal for public consultations, drafting and presentation of opinions.

In 2020, the Supreme Bar Council issued 41 opinions on draft laws or on other statutory instruments, such as the draft of a new Constitution in August 2020. Seven opinions have been presented on proposed amendments to the Code of Criminal Procedure. A total of nine opinions were presented on the Penal Code and the Code of Criminal Procedure. Two opinions were presented on proposed amendments to the Judicial System Act. The Supreme Bar Council participated actively in the debates on the Act on Measures and Actions during the State of Emergency, both in March and April 2020 and in October 2020.

In reference to the activity of the courts and the powers of the Supreme Bar Council in the area of the administration of justice, the Supreme Bar Council issued seven opinions to the Supreme Court of Cassation on interpretative cases and submitted five independent proposals for filing interpretative cases. The supreme Bar Council has provided six opinions on interpretative cases that were heard by the Supreme Administrative Court.

A number of different opinions were submitted in connection with the Prosecutor General’s proposed amendments to the Code of Criminal Procedure, as well as a number of opinions and recommendations regarding various institutions’ statements and initiatives.

The Supreme Bar Council also issued a clear position on the draft new Constitution, which was proposed in 2020, as well as on the proposal for the creation in the Bulgarian justice system of the post of prosecutor investigating the Prosecutor General.

Representatives of the Supreme Bar Council took active part in various working groups engaged in drafting statutory instruments and organized by the Ministry of Justice or the Supreme Judicial Council or by other institutions, whenever these instruments concerned the Bar, the administration of justice or access to justice.

The Supreme Bar Council exercised its powers to challenge the constitutionality of instruments before the Constitutional Court by submitting two objections in 2020 and another two in early 2021.

With reference to the measures against the COVID-19 pandemic, the Supreme Bar Council asked the government to increase lawyers’ itemized expenses to 40% from 25%, which request was not fulfilled.

demands were sent to the Supreme Judicial Council regarding lawyers' access to judiciary premises as well as requests for the adoption of rules to guarantee lawyers' access to court cases. In 2021, the Supreme Bar Council asked the National Assembly to adopt amendments and supplements to the Bar Act to make possible the setting up of sole proprietor lawyer's companies. The proposed bill removes the ban on lawyers serving as managers and executive directors of commercial companies. This proposal is in line with the modern trends in the practicing of the lawyer's profession in European countries. The bill was adopted by the National Assembly on 17 February 2021.

In 2020, the General Meeting of the Bar adopted a decision to draft a Concept on a new Bar Act to update the existing provisions in line with the current trends in European justice and in response to recommendations of the Council of Bars and Law Societies of Europe (CCBE). The Supreme Bar Council created a working group that should complete its work on developing the Concept in the first half of 2021.

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

Researching and raising the awareness about the experience of the EU countries in relation to defending the judicial independence in cases of violations by the media, public figures, parties to court trials or other, a questionnaire was sent to the judicial authorities of the EU member states, complete with a request for responses by 1 March 2021.

Organizational measures were adopted to study public opinion for the purpose of measuring the perceptions about the independence of the judiciary and the confidence in the judiciary among internal and external target groups. A public procurement order is about to be issued.

The information collected by the two studies is applicable to the implementation of the other short-term measures - conferences on strengthening the independence of the judiciary, national meeting of the administrative chiefs of the judiciary bodies, magistrates and employees in the judicial system responsible for public relations for the purpose of discussing measures in defense of independence.

A program was developed and trainers were hired for providing training to media representatives. This is now on hold because of the anti-epidemic measures that were adopted and were then extended to 30 April 2021.

The implementation of the Educational Programme of the Supreme Judicial Council was ensured by means of a new five-year agreement with the Ministry of Education and Science. The course includes the topic of the independence of the judiciary and a leaflet was prepared for handing out to students.

B. Quality of justice

11. Accessibility of courts (e.g. court fees, legal aid, language)

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

According to the judiciary's budget approved under the 2021 State Budget of the Republic of Bulgaria Act this year's allocation for the judiciary amounts to BGN 880,317,000 including the allocation for current spending of BGN 851,347,000, capital expenditure of BGN 28,370,000 and a contingency reserve for unanticipated and unavoidable costs of BGN 600,000.

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

The National Institute of Justice carried out a total of 290 training activities in 2020 within the framework of the primary and advanced training of magistrates and the judicial administration. Some 6,243 representatives of the professional community - judges, investigating magistrates, and employees of various judicial bodies - attended the training.

- Twenty-three training seminars on topics from civil and commercial law at national and regional level in standard and VTC format were held with attendance of 650 judges, employees of the judiciary, judicial aides and other persons under Article 249 (1) item 2 of the Judicial System Act.

- 40 training seminars in the areas of criminal justice and the criminal justice process with participation of 1,214 judges, prosecutors, investigating magistrates and other persons under Article 249 (1) item 2 of the Judicial System Act;
- 10 training seminars in the area of administrative justice;
- 26 events were organized last year within the framework of the Programme for Regional Training which were attended by 744 trainees;
- training for administrative chiefs and development of management competence in the context of rule of law;
- training for trainers and support for the trainer community;
- 34 training courses for employees of the judiciary attended by 1,167 trainees and others.

The Covid-19 pandemic caused substantial changes to the agenda of the 2020 judicial training in terms of training content, methodology, technological support, holding and evaluating training sessions. The updated digital skills and knowledge of the employees, trainers, and trainees and the modernized equipment as a result of the projects implemented under the “Good Management” Programme in 2019 and 2020 allowed us to meet the challenges of the pandemic situation and to move on to a successful digitalization of the educational activities. The content of the educational programmes and plans was updated into an online format for the purpose of changing the conventional approaches to communication with the trainees and for providing constant logistical and technical support to trainers and trainees 24/7.

Rule of law and the protection of fundamental rights have been formulated as top priority areas in the educational process and the National Institute of Justice will work for them during the current year.

Activities connected with training of the staff is a top priority for the Prosecutor’s Office of the Republic of Bulgaria (PORB). It has therefore established and maintains very close cooperation with the National Institute of Justice as well as with other providers of training (national and international organizations and institutions) with a view to improving the professional qualifications of prosecutors, investigative magistrates, and employees of the judiciary. Further more, the PORB maintained for many years an interdepartmental training program on topics that are important for the administration of justice. An Internal Training Calendar of the PORB has been created and updated annually and all training is provided using internal resources and has been offered in response to requests and findings regarding a need for improvement of professional qualifications on certain topics so that the training would create added value by building upon the existing knowledge of the magistrates and employees of the judicial system.

it is worth noting that even in the epidemic situation connected with COVID-19 the training efforts were carried out with the necessary intensity by being conducted remotely via VTC.

According to the 2020 statistics, a total of 610 prosecutors and investigating magistrates took part in 61 professional training courses. With reference to the judicial system administration, 424 employees received training.

The Supreme Bar Council is providing training to lawyers through the Krustyo Tsonchev Centre for Training of Lawyers Foundation.

A total of 136 events were held at the centre for training lawyers in 2020, including seminars, conferences, continuing education, etc. The training was held with trainees attending the classes whenever the government measures allowed this, and also online during the periods of emergency situation. The Krustyu Tsonchev Centre for Training Lawyers held its two regular seminars in 2020 for preparing lawyers for the bar exams and for junior lawyers. These seminars are usually held before the exams for admission of lawyers. All anti-epidemic measures were strictly observed. Following the National Assembly’s decision to declare a state of emergency on 13 March 2020 because of the spread of COVID-19, the Managing Board of the Krustyu Tsonchev Centre for Training Lawyers decided to hold the trainings. The webinars were held on weekdays from 2 pm to 5 pm in April and May and two or three times a week in June 2020. The training focused on

currently topical issues such as the state of emergency, the current legislative changes, and the judicial practice and the development of justice.

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

The introduction of electronic justice and the entire digitalization of the work processes and acts were among the main challenges to the judicial system of the Republic of Bulgaria. The Updated Strategy for Judicial Reform, a founding element of the strategic vision for the development of the justice sector, requires the provision of electronic access to e-justice and e-governance that is equally accessible to all citizens and businesses. This access should be preferred to traditional access that is based on documents on paper carrier. The 2020 Rule of Law Report defines the introduction of e-justice and the balanced management of the workload of the courts as significant challenges to which lasting efforts should be devoted in the coming years in the context of the ongoing judicial reform.

The following elements were created and are functioning as part of the overall strategy for electronic justice under Article 360a and subsequent articles of the Judicial System Act:

1. Consolidated Information System of the Courts (CISC) and
2. The single e-justice portal (SEJP)

The CISC is a system for internal communication inside the judiciary and the SEJP is designed to provide access to the participants in the court cases to the electronic files of the cases, create electronic serving of summonses and ensure online participation in court sessions.

The subsequent development of the CISC and the SEJP are the subject of two projects that have been included in the Restoration and Sustainability Plan (RSP) for 2021. A project was launched in respect of the CISC: “Strengthening, further development and building upon the Consolidated Information System of the Courts.” The project launched with regard to the SEJP is “Further development of the courts’ information systems for granting access to citizens and corporate entities to e-services and e-justice.”

1. CISC

It is planned that every case should have a full electronic image complete with all statements of the court and the parties in the cases as well as any procedural actions taken, including the evidence in the case. The acts and instruments submitted to the judicial authorities in hard copy, as well as all documents and information in hard copy, shall be entered into the CISC by means of an electronic image captured in a form and in a way allowing the reproduction thereof.

The CISC is a system that consolidates all electronic cases and ensures their management including the random assignment of cases that takes into account the workload of the courts as well as the collection and processing of statistical information about the operation of the courts. The parties in the cases are guaranteed and provided the right to remote, uninterrupted, and free of charge electronic access to the electronic cases. Electronic cases may be reproduced in part or in their entirety in whatever number of hard copy documents is necessary and these documents shall be treated as official copies.

The project under the Restoration and Sustainability Plan “Strengthening, further development and building upon the Consolidated Information System of the Courts” is aimed at strengthening and developing further the CISC. The Supreme Judicial Council adopted a decision in December 2020 ordering the commissioning of the system in a stage-by-stage manner in all courts one appeals district after another by 30 June 2021. All of the CISC’s functionalities are available and functioning in all courts where the system is operational, including the module for assignment of cases. Procuring the necessary hardware is of great importance for the normal functioning of the CISC or the digitalization of justice, respectively. Thus, a shortage of scanners and copiers makes it impossible to create electronic files of court cases.

This project is aimed at improving the business environment in Bulgaria and was conceived taking into account the World Bank’s methodology for calculating the “Ease of Doing Business Scores“

index. Several elements were included such as the possibility of filing a case online, including without having to present any documents in hard copy when filing the case, making an electronic payment of the court fees due without the need for actual physical contact for carrying out the transaction, and publishing online the verdicts in all commercial cases at all levels.

In addition to the challenges identified above the project has contributed to the meeting of one of the priorities of the Updated Strategy for Judiciary Reform: Specific goal 5: Electronic Justice (3.5.3 Equal electronic access to e-justice to all citizens and businesses making it as close to them as possible and making it preferable to traditional justice that is based on documents in hard copy). The implementation of the project will improve the efficiency of the courts by providing automated exchange of data and electronic documents between the participants in the justice process. What is more, the introduction of tools for using e-justice will improve the public's trust in the judicial system as a measure to reduce corruption.

The reduced administrative burden for citizens and workload of the judiciary employees is another significant result of the digitalization.

The project for further development of the CISC also provides for the creation of a module for "orders for payment processing" that would achieve centralized distribution and fully electronic processing of payment orders for the purpose of proper distribution of workload among the regional judges across the country, facilitating the access for the parties in a case, and for accelerating the judicial process. The centralized distribution is connected with the full digitalization of the proceedings and changes to jurisdiction through the introduction of centralized random allocation of payment order cases to the regional judges across the country. Payment order cases account for 50% of the cases heard by the district courts and their rational allocation in accordance with the workload (in view of the unequal workload of the courts) and through their completely electronic processing without applying the rules of local jurisdiction will contribute to the fast completion of cases, balanced load for the judicial system that would have a direct impact on the process of optimization of the judicial map and, respectively, on the effective use of the judicial system's manpower and financial resources.

The project for further development of the CISC also provides for the creation of a module in the CISC for administration of the mediation in the court cases. The implementation of this module supports the project 'Introducing methods for alternative dispute resolution in Bulgaria's judiciary: piloting compulsory court mediation; completing the court center network in all districts of the country; developing a strategy for the full-fledged application of additional methods for alternative dispute resolution'.

The project is logically linked to the project for further development of the SEJP, and the implementation of the two projects will lead to fulfilment of their common goals and results. The two projects are addressing different aspects of electronic justice (SEJP - working with outside users, CISC - carrying out the processes in the judiciary and work with inside users) by having them complement each other.

2. SEJP

At this time, the SEJP offers to the parties in the cases the possibility of reviewing the content of the court case's electronic file and to send summonses if the respective persons concerned had voluntarily registered in the portal.

The functionalities of the SEJP under Article 360c (2) of the Judicial System Act have not been created and introduced: these would have made possible the issuance of certifying statements and procedural actions in electronic form, or in other words, to file a claim in electronic form and to take part in online court sessions after registration in the SEJP. As the 2020 report points out, the COVID-19 pandemic has exposed the shortcomings of the judiciary in the area of electronic justice. As of now, in spite of the legislative changes to the Code of Criminal Procedure and the Code of Administrative Procedure, both of which regulate the serving of summonses via the portal, the remote access of the parties in the court cases to open court sessions, there is no technological

possibility for online participation in court sessions via a secure electronic connection, which could be reflected on the independence of the judiciary, as well as time-stamped electronic summonses. The pandemic outlined with great clarity the problem with serving electronic summonses. The System for serving electronic summonses developed as part of the “Project in support of the Supreme Judicial Council in building up capacity and improving the effectiveness of the judicial system”, the Norwegian finance mechanism, and the “Electronic justice - research and development of a consolidated communication and information infrastructure and a single electronic portal of the judiciary” under the Administrative Capacity Operational Programme is closely integrated with the single portal for electronic justice - the database containing the cases the parties in them, the lawyers thereof is used by the system for electronic serving of summonses. It is very much necessary that when developing the system for electronic serving of summonses it is made certain that it will comply with Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market, which regulates the electronic serving of documents. Changes should be made to the manner of serving and to how records of it are kept and to make possible the use of time stamp service by the registered provider of trust services, to broaden the technological support for guaranteeing access to the system for a larger number of users and etc... The specific objectives of the project are:

1. Enabling citizens and businesses to gain access and to exchange electronic documents with the judicial system entirely online and in electronic form.
2. Making it possible to reduce the administrative burden and the costs of the administration of justice for citizens and businesses through digitalization of the judicial system.

These goals will be attained by the further development of the existing SEJP. The final result will be: Providing trust services in electronic form (submission and receipt of documents and court papers in electronic form), conducting procedural actions in electronic form (participation in open court sessions via a secure VTC link), serving communications and summonses (including introduction of mandatory electronic serving of summonses to a specific class of subjects through legislative changes). All electronic statements by the court and the parties should comply with Regulation (EU) No 910/2014 and the Electronic Document and Electronic Trust Services Act, and the Supreme Judicial Council and the Ministry of Justice should approve within the framework of these activities standards for the electronic format of the statements, the security of the system, the size of the files, the conditions for identification of the parties in the cases when statements are made and for the procedural actions in electronic form, for electronic notification about state fees and costs due to the court and the conditions for holding VTCs via a secure connection.

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

The College of Judges adopted a decision on 9 February 2021 to adopt a Concept on introduction of mandatory court mediation in civil and commercial cases in the courts, and sent the concept to the competent authority, the Minister of Justice.

The concept was drafted by a working group of magistrates and mediators with the Commission for the Judicial Map, the Workload and Judiciary Statistics with the Supreme Judicial Council. The concept outlines concrete steps and actions for the introduction of the institute of mandatory judicial mediation in certain kinds of civil and commercial cases for the purpose of reducing the workload of the courts and for providing an economical and streamlined alternative to citizens and businesses in dispute settlement. The concept provides for mandatory nature of mediation in order to ensure the participation of the parties in the dispute in the mediation procedure, which is currently one of the main obstacles to its application despite the adoption in 2004 of the Mediation Act. The mediation should take place with the mandatory participation of the parties in a case at an initial mediation meeting, whereas subsequent meetings will only be held if the parties agree. a requirement exists making it necessary for the mandatory judicial meditation to take place in the

courts' mediation centers. There are plans for the introduction of a pilot mandatory judicial mediation project at the existing mediation court centers with the courts in Sofia, Varna, Pazardzhik and Pernik. The same should be undertaken in the remaining 24 judicial centers with the district courts no later than the beginning of 2023.

It is expected that work on the Restoration and Sustainability Plan (RSP) Project will begin in 2021 when, during the first phase, apart from the introduction of mandatory court mediation in the four pilot centers, a plan will be developed for making changes to their operations, and proposals will be drafted for legislative changes. An analysis and a technical tasking will be prepared for the implementation of a module in the Consolidated Information System of the Courts for administering the ongoing mediation efforts in court cases and for holding briefing campaigns for interested groups. Fifteen new mediation centers will be established with the district courts in the second phase of the project for the purpose of expanding the existing nine centers. Selection and training will be undertaken for mediators and for judges who will select the cases that would be subject to mandatory mediation.

The implementation of the Concept will require amendments to the Mediation Act, the Code of Civil Procedure and other statutory instruments connected with the application of mediation in civil and commercial disputes. These amendments will guarantee the rights and interests of the parties and improve the efficiency of the administration of civil and commercial justice, the trust in the judicial system, and the business environment.

The alternate settlement of disputes is a strategic goal in the Updated Strategy for Continuing the Reform of the Judiciary. The concept for introduction of mandatory judicial mediation develops further the achievements under the "Project for encouragement of the use of mediation as an alternate method for settling disputes" under the "Good Governance" Operative Programme of the Ministry of justice and the Supreme Judicial Council on the basis of which five pilot mediation centers were established in appellate districts.

16. Geographical distribution and number of courts/jurisdictions ("judicial map") and their specialisation

Reform of the Judicial Map: The Supreme Judicial Council's College of Judges adopted a decision on Protocol No. 1/19 January 2021 to review the results of the implementation of Activity 1 "Development of a model for optimising the judicial map of the Bulgarian courts and prosecutor's offices under the project for „Setting up a model for the optimisation of the judicial map of the Bulgarian courts and prosecutor's offices and development of a Consolidated Information System of the Courts".

By this decision the Supreme Judicial Council's College of Judges chose Model 4 from among the four proposed models for optimization of the judicial map of the courts. The chosen model for reform combines not only changes to the judicial geography but also radical changes to the structure and functioning of all courts in the country.

The Supreme Judicial Council's College of Judges, on 2 February 2021, approved a Roadmap with a Plan of Action for reorganization of the judiciary's structures at district and appellate level, including the opening of territorial divisions of the regional courts in district regions. A decision will be adopted to carry out an analysis of the regional courts in the district regions where territorial divisions could be opened. This analysis will be submitted to the College of Judges.

The model for reorganization of the judicial structures at regional level and the Roadmap with an action plan for reorganization of the judicial structures at district and appellate level were discussed and adopted by the Plenum of the Supreme Judicial Council at a session on 18 February 2021. The Plenum chose Model 4 for reorganization of the courts, which was developed within the framework of Activity 1.6 "Development of a model for optimization of the judicial map of the Bulgarian courts and prosecutor's offices and the development of a Consolidated Information System of the Courts, which was proposed by the college of Judges and implemented by the Supreme Judicial Council under the "Good Governance "2014-2020 Operational Programme and

that resulted in an approved Roadmap with a plan of action for reorganization of the judicial structures at district and appellate levels.

The model of the country's judicial system that was adopted with the Constitution will be retained under this model. The only change envisaged is of the origin jurisdiction of some of the cases that are heard by the courts, and the existing local jurisdiction will remain unchanged.

There are plans for merging regional courts and some of the existing judicial bodies will continue to serve as territorial divisions (of the closest regional court or of a regional court with a larger payroll).

Under the model, the staff of the regional courts will be divided into permanent and temporary staff. The judges on the permanent staff will work solely in the regional court, whereas the others will be placed on the payroll of a district court of higher instance (acquiring the respective local competence and compensation) for a certain period of time - for an average of three weeks in a year they will work as judges in the regional court in the judicial region of the district court at the location of their usual workplace. The permanent regional judges will be the less experienced ones who are at an early stage of their careers and who will have a chance for much faster career development than they would have had under the current conditions.

The number of judges in the district and appellate courts will increase substantially because, as a result of the partial change to jurisdiction by origin, the district courts will hear some of the cases that are in the jurisdiction of the regional courts at that time. The appellate courts will take on much of the intermediate appellate review proceedings (practically all of these other than the cases that, according to jurisdiction, must be heard by a regional court as a first instance). The increase will be made based on the reduction of the number of judges in the regional courts given that there will be no increase in the number of judges in the country (as described above, the number will drop from 1,004 to no more than 733).

Regarding the judges in the regional, district and appellate courts, a workload norm will be established that would be applicable nationally and will be updated annually based on the data about the actual workload, making it possible to plan the system's staffing needs for judges by region.

Changes are not planned for the Supreme Court of Cassation either in terms of the current staff numbers or the number of cases handled, and the jurisdiction by origin will change only for the district and appellate courts. (Thus, for example, in some of the criminal proceedings for certain kinds of offences, acts by the appellate courts that uphold verdicts will not be subject to further appeal.

The concept for the model provides for resolving the current problems with the unequal workload of the courts in the country at one level, the specialization of the judges, the effectiveness and quality of the administration of justice, the human resources planning and the optimization of the judiciary's budget spending, and the predictability of the judges' career development, namely:

An opportunity is being created for all judges at the regional courts to achieve complete specialization. The number of judges will create an opportunity to assemble at least two specialized sections, which will speed up the administration of justice and improve the quality of their performance. The main indicator to be used in deciding whether a regional court of first instance should remain independent instead of becoming a territorial division of some other court is the number of magistrates necessary for its normal functioning. The principle that has been applied is that at least six judges should be working in such a court (including its territorial divisions, if there are ones). This would make it possible to set up two sections. The setting up of district and appellate courts with significantly higher numbers of judges makes specialization possible not only in subject matter (criminal, civil, and commercial law) but also narrow specialization in one subject area (such as the setting up of a section for bankruptcy proceedings). When deciding what number of judges should administer justice in courts at the same level nationally, it should be considered what number of cases are likely to be heard if a change is made to the jurisdiction. Also taken into account should be the number of cases that a judge will have to hear per month as well as the

possibility for specialization. In view of these considerations a model is being proposed whereby the judges in a regional court should hear 43-46 cases per month, whereas those in district and appellate courts - between 8,3 and 8.5 cases per month (including first-instance and intermediate appellate proceedings). The application of this model guarantees equal workloads for all judges working at the same level nationally as well as equal compensation for similar volumes of work as well as roughly equal budget spending per case irrespective of which court hears the case. When the above norm for workloads of judges in courts of first instance and ones for intermediate appellate proceedings is adopted it would become possible to develop not just a short-term but also a long-term forecast of the need to hire new judges (either by holding competitive exams for hiring junior judges or by holding competitive interviews for initial appointment or for transfer). The setting up of a larger number of regional courts and their permanent and temporary staffs will make it possible to control crises resulting from sharp increases of the workloads by tapping on the resources of the judges in a given region. Changes to the staff numbers of the courts in that region will be avoided thereby. The workload norm and the structure of the cases heard by regional courts will make it possible for these cases to be heard by fewer regional judges. Hence, the time for which they will be required to work at a lower order court would be reduced significantly. This will provide a real and predictable chance for career development and serve as an added incentive for better performance.

Reform of the judicial map within the jurisdiction of the Sofia Regional Court and the Sofia City Court, the Sofia District Court (courts for intermediate appellate proceedings): The College of Judges at the Supreme Judicial Council adopted a decision on Protocol 3 of 2 February 2021 agreeing to a change in the jurisdiction of the Sofia Regional Court and the Sofia City Court whereby some distant parts of the capital with a degree of independence (neighborhoods and villages) will be transferred to the jurisdictions of the regional courts that are close to Sofia.

The decision of the Supreme Judicial Council's College of Justice was sent to the Minister of Justice for coordination in accordance with the requirements contained in Article 30 (2) item 7 of the Judicial System Act. The proposal for changing jurisdictions will then be heard at a session of the Plenum of the Supreme Judicial Council.

This decision was made due to the fact that the Sofia Regional Court and the Sofia City Court (acting as a court for intermediate appellate proceedings) have the highest workloads of all courts of equal rank in Bulgaria as a result of the lasting demographic and socio-economic trends in the country in the last 15 years that have resulted in the concentration of a large part of the country's population in the capital. As a result, the courts in Sofia hear about one-third of all court cases in the country every year. Among the possible and appropriate ways to offset the concentration of large numbers of population and, respectively, higher numbers of cases in those courts and the shortages of judges are the reduction of these courts' areas of jurisdiction, thereby increasing the workloads of the neighboring judicial regions. This decision takes into account the standards of the Council of Europe European Commission for the efficiency of justice (CEPEJ) for carrying out actions aimed at making improvements to the effectiveness of the courts: assignment depending on population, geographical distances and access to public transportation, travel expenses, respectively, an adequate number of magistrates in order to offset the possible temporary absence of magistrates and to make specialization possible, an adequate number of cases to ensure the rational operation of courts and prosecutor's offices. The redrawing of the borders of the jurisdiction will result in improved services for the residents of the affected areas, as their cases will be heard much more expediently and their travel to towns that are close to Sofia will be easier than if they had to reach the center of the capital during weekday rush hours.

The forecast reduction of the number of incoming cases in the Sofia Regional Court based on statistical data for 2019 indicates that the court's workload will be reduced by no fewer than 2,800 cases per year.

As part of the reform of the court map, the College of Judges of the Supreme Judicial Council voted on February 2nd on a project to redesign the Sofia judicial district. The aim is to alleviate

the Sofia Regional Court as the cases of the residents of certain metropolitan districts and mayoralties around Sofia are heard in the courts in Samokov, Kostinbrod, Elin Pelin, Pernik. The draft was sent for approval to the Minister of Justice, after which it must be voted on by the SJC plenum.

In a letter dated 17 February to the College of Judges, Minister of Justice requested that, before approving the proposal, to be provided with reasons that required a change in the boundaries of the Sofia Regional Court. The Minister also expects concrete evidence of what the consequences will be if it is adopted. The Minister of Justice considers that there are no summary statistics on the number of initiated and pending cases in the Sofia Regional Court and neighboring courts, which does not allow to conclude whether the proposed redistribution will lead to a reduction or increase in their workload. In his letter, the Minister also stated that the issue of communication and infrastructure related to public transport between the individual settlements and whether they allow quick and effective access to justice for citizens has not been studied. The specific state institutions with which the proposals have been agreed are also not indicated.

C. Efficiency of the justice system

17. Length of proceedings

Other – please specify

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 that have occurred since these documents were published.

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

18. List of relevant authorities (e.g. national agencies, bodies) in charge of prevention, detection, investigation and prosecution of corruption. Please indicate the resources allocated to these (the human, financial, legal, and practical resources as relevant), e.g. in table format.

The Commission for Counteracting Corruption and for Seizure of Illegally Acquired Property (CCCSIAP) is a permanent independent public authority specialised in the implementation of the policy of countering corruption and unlawfully acquired assets forfeiture.

The Commission's powers and functions with regard to senior public office holders can be summed up in the following groups:

- operational: receiving and verifying declarations of assets and interests, responding to alerts received from members of the public and through the media, carrying out checks of property status, conducting proceedings for the ascertainment of a conflict of interests and proceedings for illegal assets forfeiture; combating corruption by way of disclosing acts committed by senior public office holders;

- analytical: preparing analyses and methodologies and developing anti-corruption measures. It is explicitly foreseen that the analyses and proposals for anti-corruption measures prepared by the Commission are provided to the competent authorities, which are obliged to take a stand on them and inform the Commission of the measures taken.

CCCSIAP adopted a decision on 14 October 2020, proposing to the Council of Ministers measures in connection with the findings in the Report from the European Commission from 30 September 2020, which were entirely accepted and included in the plan as adopted. By a decision of 26 November 2020, the Commission assigned the responsibility for coordinating the implementation of the separate measures to its chairperson, deputy chairperson and members. Part of the measures require adequate staffing of the Commission.

Nearly 21 % of the posts at CCCSIAP were vacant by 1 January 2020, and more than half of the management positions were either unfilled or filled concurrently by other employees. This human

resource situation compelled the Commission to take a number of measures. A timetable was adopted for holding appointment procedures under the Civil Servants Act and the Labour Code, and the adherence to this timetable is periodically reported at CCCSIAP meetings. A total of 53 competitive procedures for the appointment of civil servants were conducted in 2020, and another 34 such procedures were in progress by January 2021. As a result of the measures taken, the understaffing was overcome at both the central and territorial administrations of the Commission.

Apart from the figures cited above, 12 new inspectors were appointed at the Combating Corruption Directorate as a result of holding 7 competitive procedures. This led to a 9 % increase in the total number of statutory employees and the filling of 75 % of the posts at the Directorate. The overall staffing fill rate was 60 % at the end of 2019, with 4 newly appointed employees, and 56 % at the end of 2018, with 5 new appointments.

The Prosecutor's Office shall ensure that legality is observed by bringing charges against criminal suspects and supporting the charges in indictable cases and may conduct investigation.

Implementation is in progress by the Prosecutor's Office of a measure under the Legal Framework for Combating Corruption Section of the Plan: resource analysis (number of investigative authorities and prosecutors, presence or absence of specialisation in the field, i.e. whether or not they handle such cases and case files only, time available per case; level of practical and theoretical preparedness; level of motivation; access to information required for the investigation; level of direct communication with the operational authorities and ministry inspectorates; material resources, etc.) and identification of areas of concern and, respectively, measures for improvement, so that they can effectively fight corruption; delivery of trainings and specialisation, due for implementation within 2 years.

At the Ministry of Interior (MoI), the detection and investigation of corruption offences falls within the competence of the National Police General Directorate, the General Directorate Combating Organised Crime, and the respective Economic Police and Combating Organised Crime units at the Regional Directorates of the Ministry of Interior.

In the area of combating domestic corruption, the tackling, detection and investigation of offences committed by MoI employees falls within the competence of the MoI Internal Security Directorate (ISD), which is under the direct authority of the Minister of Interior. ISD's tasks include conducting background investigations for clearance for access to classified information and, in respect of preventing and combating corruption, administering integrity tests and monitoring specified activities such as road traffic control and border control, *inter alia* through the video recording systems in place. A project entitled '*Preventing and combating corruption*' under the Home Affairs Programme of the Norwegian Financial Mechanism 2014-2021, due for implementation within 36 months, has been implemented since the beginning of 2020 for the purpose of enhancing ISD's corruption preventing and combating capacity. A project entitled '*Establishment of a specialised operational system for combating crime in MoI*' was also launched in 2020, with the purpose of enhancing ISD's operational capacity through the supply of mobile operational stations for specialised operations.

The **Inspectorate Directorate** is another oversight body under the direct authority of the Minister of Interior. It assists the MoI structural units in clarifying alerts about a conflict of interest, in receiving, keeping and verifying declarations under the Act on Counteracting Corruption and on Seizure of Illegally Acquired Property (ACCSIAP) and in combating and detecting breaches of the Ethical Code⁵.

An **Intra-Ministerial Council** for the Prevention and Combating Corruption functions at the MoI, and it monitors the implementation of the strategic documents on the prevention and combating of corruption that are in effect at the national and intra-ministry level (in 2020 they include the

⁵ Ethical Code of Conduct for Civil Servants at the MoI and Code of Conduct for Public Administration Employees

National Strategy, the Concept for the Prevention and Combating Corruption at the Ministry of Interior and the annual anti-corruption plans).

The measures for meeting and asserting ethical standards in police work are supervised within the framework of the **Standing Commission** on Human Rights and Police Ethics at the MoI.

In addition to the above, preventing corruption at the MoI involves all principal structural units of the Ministry.

The Public Financial Inspection Agency (PFIA) is an administration under the Minister of Finance. The principal objective of public financial inspection is to protect public financial interests. Public Financial Inspection Agency carries out inspections at the request of the Council of Ministers or the Minister of Finance; on assignment by the prosecution authorities; responding to alerts about offences affecting the financial interests of the European Union; responding to alerts from members of the public and legal persons, and at the request of and in coordination with other public finance control authorities. In this connection, the Director of the Agency is member of a permanent Consultative Council on Public Sector Audit and Control, which is chaired by the Minister of Finance. The Consultative Council includes the heads of institutions controlling the management of public funds. The operational coordination among the separate organisations is implemented within the framework of the Council.

Public procurement control is a substantial part of Public Financial Inspection Agency's activities. The Agency analyses and draws up an annual plan for financial inspections of public procurement contracting entities in various groups of areas. Representatives of Public Financial Inspection Agency, the Bulgarian National Audit Office and the Public Procurement Agency participate in a permanent Expert Council within which these institutions coordinate and interact in public procurement control.

As part of its lawmaking Programme, in 2020 the Government drafted amendments to the Public Financial Inspection Act (PFIA) intended to broaden the powers of the institutions exercising follow-up control and make their practice consistent. Other revisions seek to increase the quality and objectivity in carrying out financial inspections.

The Agency's priorities include detecting and preventing misappropriation of funds. To this end, the Agency engages in systematic coordination with the prosecution authorities and CCCSIAP for the purpose of sharing information and detecting cases of corruption, fraud and other offences in relation to public finance management.

The operational cooperation is pursued on the basis of agreements signed between the institutions. As a result of interaction with the prosecutor's office, the number of financial inspections assigned by warrants has increased significantly. PFIA carried out 77 such financial inspections in 2018, 112 in 2019, and 131 in 2020. The largest share of these financial inspections (35 %) was requested by the prosecution authorities. The Specialised Prosecutor's Office, which basically prioritises counter-corruption, assigned the largest share of inspections (64 %).

In 2020 Public Financial Inspection Agency carried out 375 financial inspections checking 5 893 contracts (32 % more than the 4 474 contracts checked in 2019) for a total of BGN 1 130 209 579 in public funds, which confirms the high workload of the financial inspection authorities operating in a pandemic situation.

In its activities, the Agency found that the public spending environment tended to improve in 2020. A decrease was found in the detected damages caused by the unlawful conduct of culprits. In 2020 these damages amounted to BGN 610 131, which was 78 % less than the BGN 2 781 626 in 2019. In connection with the damages caused by a wrongful act, the Agency enforces financial liability against the offenders. The cases in which this type of liability was enforced decreased by 78 % in 2020, which is an indication of an improvement of the public spending environment. When they find any discrepancies and inconsistent data in the course of a financial inspection, inspectors regard these as indications of fraud in connection with public spending. This type of indications decreased by 57 % in 2020 compared to the previous year.

The Agency continued to prioritise public procurement in 2020, reporting a 42 % increase in the total number of public procurements checked. At the same time, the number of infringements detected in the area tends to decrease. They decreased by 24 % from 2019, which shows that the systematic control exercised in this field has a disciplining effect on contracting entities.

Administrative penalty liability is enforced against the culprits for particular violations of the law related to public finance management. This type of detected infringements, too, follows a favourable trend. The 878 written statements on infringements, drawn up against culprits in 2020, were 9 % fewer than in the previous year. This trend is even more pronounced in the field of public procurement, where the written statements drawn up decreased by 20 % from the previous year.

Pursuant to Articles 46 and 46 of the Administration Act, a total of 34 inspectorates function with executive authorities (the Prime Minister, ministers, chairpersons of state agencies, executive directors of executive agencies and heads of entities established by a law or an act of the Council of Ministers) and heads of entities that are accountable to the National Assembly. This number includes the General Inspectorate with the Council of Ministers.

The National Council on Anti-Corruption Policies (NCACP) is an inter-ministerial body vested with consultative, coordination and oversight functions regarding anti-corruption policy. The Council drafts the national strategic documents, programmes and plans for preventing and combating corruption, defines anti-corruption policy priorities and measures, and oversees and reports their implementation. The NCACP continues to monitor the implementation of the National Strategy for Prevention and Counteracting Corruption 2015-2020 and the development of a new anti-corruption strategy for the 2021-2027 period.

B. Prevention

19. Integrity framework including incompatibility rules (e.g.: revolving doors)

20. General transparency of public decision-making (including public access to information such as lobbying, asset disclosure rules and transparency of political party financing)

For 2020, the Public Register Directorate of the Commission for Counteracting Corruption and for Seizure of Illegally Acquired Property received and processed 6 303 declarations on senior public office holders, compared to 9 834 declarations for 2019 and 6 536 for 2018. The number of declarations which were not submitted or were submitted after the statutory time limit was 673 for 2020, 258 for 2019 and 148 for 2018. All declarations are publicly accessible through the Register of Senior Public Office Holders on CCCSIAP's website. The Commission has completed the verification of the initial declarations of assets and interests and of the final declarations submitted by the 10 776 entrants in the local elections in 2019. A total of 1 785 reports on lack of correspondence have been drawn up. The verification of the annual declarations of assets and interests submitted in 2020 by 9 095 obliged persons falling within the scope of the law has been completed as well. Lack of correspondence has been found for a total of 507 senior public office holders, and the verification about them has been concluded by a report on lack of correspondence. § 2 of the Supplementary Provisions of the Act on Counteracting Corruption and on Seizure of Illegally Acquired Property (ACCSIAP) provides that, in addition to senior public office holders, declarations of incompatibility and declarations of change in circumstances declared in the declarations of incompatibility and declarations of assets and interests must also be submitted by other categories of persons which are exhaustively listed. They include the employees at the administration of the legislative and the judicial authorities and the employees at the administration of authorities established by a law, with the exception of employees who hold technical positions.

Apart from declaring assets and interests and ascertaining a conflict of interest, the rules on incompatibility and the submission of declarations of incompatibility are another preventive anti-corruption measure. The circumstances leading to incompatibility with the position held (applicable to the employees of the central and local government administration) are defined in the Civil Servants Act (CSA), the Labour Code (LC), the Ministry of Interior Act (MoIA), the State Agency for National Security Act (SANSÁ), the Customs Act (CA) and other organic laws.

Article 7(2) of the Civil Servants Act (CSA) explicitly prohibits the appointment as a civil servant of any person who would be in a direct hierarchical relationship of direction and control with a spouse, a *de facto* cohabitant, a lineal relative up to any degree of consanguinity, a collateral relative up to the fourth degree of consanguinity inclusive or an affine up to the fourth degree of affinity inclusive; who is: a sole trader, a general partner in a business company, a managing director, a business attorney, a commercial agent, a managerial agent, a broker, a liquidator or a trustee in bankruptcy, a member of a management or supervisory body of a business company or cooperative; a National Representative; a municipal councillor (limited to the municipal administration concerned); who occupies a senior or supervisory position in a political party; who works under an employment relationship, except as member of faculty at a higher educational establishment; who works under another civil-service relationship, except under the terms established by Article 16a(4) or Article 81b of the CSA. Similar prohibitions are provided for pursuant to Article 107a(1) of the Labour Code and in the cases of concluding an employment contract for work in the State administration with a person.

Some special laws set additional requirements for incompatibilities depending on the specific activity of the administrative structural unit concerned (MoIA, SANSA, CA, etc.).

As provided for by the Regulation on the Arrangements and Procedure for Verifying Declarations and for Ascertaining Conflict of Interest, adopted by Council of Ministers Decree No 209 of 26 September 2018, the declarations of incompatibility and of change in circumstances declared in the declarations of incompatibility are published on the website of the administration concerned within one month from the expiry of the time limits for their submission as provided for in the relevant statutory instruments.

The MoIA, the SANSA, the Customs Act and other special laws provide for administering integrity tests of the employees in the relevant administration in order to detect any acts damaging the prestige of the administration.

The internal inspectorates carried out the following verifications of the declarations of incompatibility and of assets and interests for 2020:⁶

Verifications of incompatibility: 4 750 verifications (6 197 for 2019), of which:

- ✓ of incompatibility: 4 739 verifications (6 182 for 2019);
- ✓ of change in the declarations of incompatibility: 11 verifications (15 for 2019);

Results of the verifications: written statements ascertaining an administrative infringement drawn up: 21 statements (6 for 2019); penalty decrees issued: 4 decrees (4 for 2019); employees released owing to ascertained incompatibility: 9 employees (9 for 2019).

Verifications of declarations of assets and interests of persons working in the State administration: 83 646 verifications (84 159 for 2019), of which:

- ✓ of timely submission of declarations of assets and interests: 83 316 verifications (83 066 for 2019);
- ✓ of timely submission of declarations of assets and interests: 288 verifications (1 068 for 2019);
- ✓ responding to an alert received about a corruption violation or conflict of interest: 15 verifications (23 for 2019);
- ✓ where instituted disciplinary proceedings produce reasons to believe that a corruption violation has been committed or that a conflict of interest has arisen: 1 verification (0 for 2019);
- ✓ where instituted disciplinary proceedings produce reasons to believe that a corruption violation has been committed or that a conflict of interest has arisen: 26 verifications (2 for 2019).

Results of the verifications: written statements ascertaining an administrative infringement drawn up: 46 statements (75 for 2019); penalty decrees issued: 2 decrees (4 for 2019).

⁶ Excluding data concerning employees of the security services because they constitute classified information

Verifications for ascertaining a conflict of interest: 28 verifications (17 for 2019), of which:

- ✓ responding to an alert received: 18 verifications (16 for 2019);
- ✓ at the request of the electing or appointing authority: 10 verifications (1 for 2019);
- ✓ at the request of a person referred to in § 2(1) of the Supplementary Provisions of the ACCSIAP (the employees themselves): 0 verifications (0 for 2019).

Results of verifications: no conflict of interest ascertained: 25 verifications (13 for 2019); conflict of interest ascertained: 2 verifications (2 for 2019); proceedings terminated: 1 verification (2 for 2019).

In the judiciary, the Inspectorate to the Supreme Judicial Council (SJC) continues to implement a project entitled 'Provision of software and methodological securing and building of administrative capacity of the Inspectorate to the SJC for prevention of corruption within the judiciary' in partnership with the SJC for the purpose of contributing to the assertion of the rule of law and, in particular, to the Inspectorate to the SJC as an effective oversight authority for judicial inspection. The implementation of this projects aims to develop an electronic public register of electronic declarations of circumstances related to the prevention and ascertainment of a conflict of interest and magistrates' assets declarations. Once this register becomes operational, it will be possible to submit the declarations online, which will be easier for magistrates. At the same time, an automation of declaration processing will significantly reduce the time for verifying the correspondence between the facts as declared and the information as received from the various central and local government authorities. The launch of the other electronic public register, of recusals, covering the recusal motions and the reasons for which they are granted or denied for each judge, will ensure publicity and transparency in the functioning of the courts through the establishment of a public register of recusals.

For the implementation of this project, contractors for the development and rollout of the above registers have been selected on the basis of procedures conducted under the Public Procurement Act (PPA), and the SJC concluded a contract on 20 November 2020 with a selected contractor for the development of an electronic public register of recusals, whereas the Inspectorate to the Supreme Judicial Council signed a contract on 15 December 2020 with a selected contractor for the development of an electronic public register of electronic declarations related to the prevention and ascertainment of a conflict of interest and assets declarations. At this point in time, the two contracts are being performed without delay.

To ensure publicity and transparency of election campaign financing, a Single Public Register of the Parties, Coalitions and Nomination Committees registered to contest the respective type of election is established and kept at the Bulgarian National Audit Office. This register is maintained from the opening of the election campaign until the next elections of the same type. Information about the entrants in elections is published in this register, relating to: the contributors; the type, purpose, amount or value of the contributions made; the financial resources provided by the candidates and the member of independent candidate nomination committees; the declarations on the origin of the financial resources contributed; the reports of the parties, independent candidate nomination committees and coalitions of the on the financial resources raised and spent and the payment obligations assumed in connection with the election campaign, etc.⁷

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

- information on the services provided to the entrants in the elections by media service providers, sociological and advertising agencies, and public relations agencies.⁸
- the audit reports on the audits performed⁹ of the parties, coalitions and independent candidate nomination committees in connection with the financing of their election campaign.

⁷ Article 171 of the Election Code

⁸ Article 172(2) of the Election Code

⁹ Article 172(6) of the Election Code: 'Where the declared financial resources raised and spent in connection with the election campaign exceed BGN 1 000, the Bulgarian National Audit Office shall perform a compliance audit.'

Apart from the Election Code provisions regarding election campaign financing, the Political Parties Act sets other requirements as well, intended to ensure publicity and transparency of party financing:

Annually, political parties shall be required to submit to the Bulgarian National Audit Office a financial statement on the previous calendar year with a list of the natural persons, legal persons and sole traders that have made donations, which is published on the audit institution's website.¹⁰ The Bulgarian National Audit Office performs a compliance audit¹¹ of the financial activity, the revenues, the expenditures and the management of the property allocated to political parties¹², and the audit report is made publicly available, too.

Political parties are required to establish and keep a public register in which information on the following is published: donations and legacies, devises and bequests; declarations on the origin of the funds where the amount of the donation exceeds one minimum monthly wage; the immovable properties owned; the transactions by which movable or immovable property of a value exceeding BGN 1 000 is disposed of; the annual financial statements and the financial reports on the election campaigns, etc.¹³

21. Rules on preventing conflict of interests in the public sector

In 2020, the Commission for Countering Corruption and Illegal Assets Forfeiture responded to a total of 292 alerts about a conflict of interest for senior public office holders. These alerts were 119 in 2018 and 166 in 2019. Thus, the number of alerts about a conflict of interest received in 2020 grew by 60 % from 2018 and by over 40 % from 2019. The Commission rendered 122 decisions in substance: 30 decisions by which a conflict of interest was ascertained and 92 decisions by which a conflict of interest was not ascertained. By comparison, in 2018 the Commission adopted 28 decisions by which a conflict of interest was ascertained and 50 decisions by which a conflict of interest was not ascertained. Fourteen decisions ascertaining a conflict of interest and 87 decisions not ascertaining such a conflict were adopted in 2019. By the decisions ascertaining a conflict of interest, the Commission imposed fines and ordered forfeitures of the cash equivalent of the benefits obtained in a total amount of BGN 610 866, by BGN 407 328 more than the BGN 203 538 penalties imposed for 2019 and by BGN 505 606 compared to the BGN 105 260 penalties for 2018.

Pursuant to § 2(1) of the Supplementary Provisions of the ACCSIAP, Chapter Eight 'Conflict of Interest' also applies to the employees in the administrations of the public authorities.

22. Measures in place to ensure whistleblower protection and encourage reporting of corruption

The measures ensuring whistleblower protection are defined in the ACCSIAP. Separately, measures for protecting the identity of whistleblowers, including measures to prevent acts by which mental or physical pressure is exerted on them, are also laid down at the specific organisation by internal rules for the implementation of the Regulation on the Arrangements and Procedure for Verifying Declarations and for Ascertaining Conflict of Interest which are endorsed by the electing or appointing authority.

Implementing Decision No 569 of the Council for European Affairs with the Council of Ministers of 13 January 2020, an inter-ministerial working group was formed with the Ministry of Justice and the Ministry of Labour and Social Policy involving representatives of competent institutions and the non-governmental sector, which analysed the conformity of national legislation with the provisions of Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law. Along with that

¹⁰ Article 34 of the Political Parties Act

¹¹ Article 35(1) of the Political Parties Act

¹² which, during the previous year, have: received a state subsidy; used state-owned or municipal-owned premises provided thereto; entered elections, if such elections were held.

¹³ Article 29(2) of the Political Parties Act

analysis, a table of correlation between the regulatory framework in force and the Directive was compiled as well. The Council for European Affairs adopted the analysis for its information on 13 July 2020.

The analysis showed partial correlation with the provisions of the Directive. It found that the future legislation needs to include in its scope not only persons who report breaches of Union law but also persons who submit alerts about breaches of domestic law, thus ensuring an equal treatment and equal guarantees for the rights of whistleblowers of breaches of domestic and EU law.

A decision on whether the framework will be revised as required by adopting a separate law or by amending the existing laws is forthcoming. In any case, the analysis shows that the legislation needs to be supplemented and amended so as to regulate procedural rules and the right to protection of employees who report breaches or make public information on breaches of Union law, as well as the obligations of competent authorities to examine the alerts and take follow-up action, the mechanisms for submitting alerts, and the support and protection measures.

An expert group headed by a Deputy Prime Minister, which will draft the legislative proposals necessary for the full transposition of the Directive, will be formed shortly.

In connection with the measures taken to ensure protection to whistleblowers and encourage the submission of alerts about corruption against a magistrate, the General Inspector of the Inspectorate to the Supreme Judicial Council has endorsed Guidelines for the Submission of Alerts under Section 1b of Chapter Nine of the Judicial System Act (JSA), which are made publicly available on the website of the Inspectorate to the Supreme Judicial Council.

The Guidelines specify the persons who can be whistleblowers: in practice, as provided for in Article 175k(1) of the JSA, any person (including a judge, a prosecutor or an investigating magistrate) in possession of data about a private interest of a judge, prosecutor or investigating magistrate in the discharge of particular official functions thereof or about any actions that are in conflict with the principles of integrity, damage the prestige of the Judiciary or are related to impairment of the independence of judges, prosecutors or investigating magistrates, may submit an alert to the Inspectorate. The Guidelines explicitly state that alerts can be submitted only against sitting judges, prosecutors and investigating magistrates. The Guidelines specify the breaches about which alerts may be submitted (those referred to in Article 175j of the JSA), the manners in which they can be submitted (in person, in paper form at the registry of the Inspectorate to the Supreme Judicial Council, by letter post or by electronic means, to an email of the Inspectorate), and describe in detail the procedure for conducting the checks under Section 16 of Chapter Nine of the JSA.

A special emphasis is laid on the measures that the Inspectorate to the Supreme Judicial Council is taking in conformity with Article 175p and Article 175q of the JSA for ensuring special protection of whistleblowers of integrity breaches and more specifically for protecting their identity.

23. List the sectors with high risks of corruption in your Member State and list the relevant measures taken/envisaged for preventing corruption and conflict of interest in these sectors. (e.g. public procurement, healthcare, other).

Using a centralised electronic platform (Centralised Automated Information System ‘Electronic Public Procurement’ (CAIS EPP)) for public procurement awards, including through a dynamic purchasing system, a framework agreement and a qualification system, as well as when carrying out design contests, has been mandatory since 2020. This obligation is in effect from 1 January 2020 for specified contracting entities and from 14 June 2020 for the rest.

In addition to the practical assistance provided to users by the Public Procurement Agency (including through the Customer Support Centre established in 2019), arrangements were made and more than 2 800 persons in aggregate were trained in handling CAIS EPP last year.

Amendments to the Public Procurement Act were adopted at the end of 2020, fine-tuning the rules on the implementation of CAIS EPP. This includes an explicit listing of the steps that contracting entities and, respectively, economic operators are obliged to perform through the platform.

All ministries, budget authorisers by sub-delegation to the ministries and state agencies are drawing up and are implementing anti-corruption plans in 2020 and 2021.

Preventing corruption at the MoI includes the application of a number of comprehensive measures, such as rotation, electronic services, anti-corruption training, receiving alerts and entering them in a register with a possibility to anonymise the whistleblower, etc. Rotation is applied at the Sofia Metropolitan Directorate of Interior and the regional directorates of the Ministry of Interior in the areas of activity with a high risk of corruption, such as the Traffic Policy, Identity Documents and Migration sectors, the units controlling dangerous weapons, etc.

A total of 580 body cameras have been installed to monitor Traffic Police officers as an anti-corruption measure. In addition, all Traffic Police cars countrywide have been equipped with 300 dash cam video recording systems for the purpose of preventing acts of corruption. Thanks to the use of this system, 1 476 121 video files were viewed and 266 police officers were disciplined in 2020 (compared to 302 officers disciplined in 2019).

Considering the effectiveness, it has demonstrated, in 2020 the scope of the video recording system was extended to cover officers on patrol duty. The earliest results are expected to be reported in the first half of 2021.

An automatic vehicle location system has been implemented for real-time control of the performance of security police officers, which has significantly improved the effectiveness of the deployment of patrols and their crime prevention effort.

An Active Monitoring Centre is being set up in the MoI system, which will help to broaden the scope of checks of MoI employees.

The Internal Security Directorate prioritises the investigation of offences committed by officers engaged in border control. Ninety-eight alerts against General Directorate Border Police employees were received in 2020. Pre-trial proceedings in connection with the commission of criminal offences were instituted against 9 employees, 4 employees were dismissed for misconduct, and other disciplinary actions were taken against 11 employees. Checks against 66 General Directorate Border Police employees are in progress.

The MoI implements a policy of transparency and raising public awareness of the actions taken for preventing and countering corruption at the Ministry.

All courses and programmes (initial training, qualification upgrade training, etc.) of the Academy of the Ministry of Interior include anti-corruption training. Refreshment courses are also delivered with in-person attendance and remotely, at the workplace. The training focuses on the sectors with the highest risk of corruption.

Measures are being implemented to strengthen the administrative capacity of the investigating police, including to improve skills for detecting and investigating cases of corruption and corruption offences according to the Unified Catalogue of Corruption Offences adopted by the Prosecutor's Office, and the investigative activity in this area is monitored.

All declarations of incompatibility are verified in accordance with the requirements of the ACCSIAP and its implementing instruments, as are the declarations of assets and interests in accordance with the procedure set out in the law. In 2020 the MoI Inspectorate Directorate carried out two subject-specific checks on the implementation of the ACCSIAP and did not find any shortcomings in the arrangements for the application of the law. Ninety-five declarations of incompatibility submitted by public office holders at the MoI in 2020 were verified, and no lacks of correspondence between the facts as declared were ascertained with the exception of one declaration with ascertained incompatibility, on which an additional verification is being carried out.

Each detected act of corruption committed by police officers is effectively investigated. If MoI employees are implicated in acts of corruption, disciplinary proceedings are instituted against them and, if fault is proved, they are dismissed for misconduct and a copy of the records is sent to the Prosecutor's Office.

The Risk Register of the MoI Medical Institute for 2021 includes monitoring and control of the risk of the impact of the ongoing COVID-19 pandemic and more specifically of the risk of a possible fraud related to the procurement and use of substandard COVID-19 protective means, which would pose a serious threat to the health and life of both the Institute staff and the patients. In the context of the pandemic, the top priority is on steadily applying adequate measures that simultaneously ensure the quality of health services, transparency, accountability, supervision, control and keeping the public informed, as regulated by Bulgarian and EU legislation.

At the National Revenue Agency (NRA), measures for preventing and countering corruption have been planned on the basis of zones identified as presenting a potential risk of corruption. In respect of public procurement award and management, the measures planned are intended to curb the possibilities of exerting influence, abuses and corrupt practices: achieving transparency by keeping on the buyer profile of electronic dossiers entered in the centralised electronic platform; conducting and updating a poll for survey and active feedback purposes; annual risk assessment of the public procurement award system. In respect of control, the measures are intended to reduce the risk of corrupt practices by engaging in an active dialogue and cooperation with business with a view to preventing their involvement in wrongful acts ensuring tax benefits or other economic advantages; monitoring and control of the automated allocation of audits and checks; rotating the revenue authorities performing control functions and rotating staff that check high fiscal risk goods and inspect commercial premises; assigning random checks, joint checks with other control authorities. Obligated persons' face-to-face contact with the administration is restricted through service by electronic means of documents issued by revenue authorities performing control and servicing functions and by public enforcement agents performing collection functions. A survey is conducted in order to monitor public opinion of the Agency. Anti-corruption trainings were delivered in 2020 and are planned for 2021 for the purpose of curbing possible corrupt practices among the NRA staff. As a result of the implementation of the measures, the human factor and the corruption potential tended to be restricted/minimised in 2020, which is why the risks identified for 2021 again encompass the principal NRA activities; therefore, the measures planned are mostly continuous in nature.

The following measures are applied at the Customs Agency to prevent and counter corruption:

When employees are appointed and promoted at the Customs Agency, their occupational and psychological fitness are tested, which includes an integrity test.

All newly appointed employees of the specialised administration undergo initial training in prevention and countering corruption and conflict of interest. Working meetings on these subjects are held periodically with the employees in structural units with a high risk of corruption and with the managerial staff of customs offices.

Subject-specific and random checks and activities are carried out to establish the integrity level of employees in the structural units where a high risk of corruption has been identified. Employees' possibly wrongful acts can be reported on a hotline that is maintained for this purpose. Responding to alerts received at the Customs Agency which allege that customs officials have committed wrongful acts, internal checks are conducted and, depending on the results of these checks, the appropriate actions are taken.

The workplaces with a heightened risk of corruption are equipped with state-of-the-art technical means (cameras, software, etc.) in order to monitor the workflows.

X-ray systems and video surveillance systems are used at border customs offices, and they store the images and, respectively, the video recordings of the control as implemented in order to tighten and exercise objective control of vehicles and goods.

The Customs Agency interacts and shares information with other government institutions in the area of the prevention and suppression of organised crime, smuggling and acts of corruption, including within the framework of the endorsed instructions on interaction.

Customs officials of the operational staff at the border customs offices in various workplaces are rotated on a monthly basis between shifts, and when a shift starts, the officials are assigned to

workplaces on a random basis, using automated software; customs officials are temporarily transferred to the same or another service within the customs administration, *inter alia* in order to address the risk of corruption; officials of one customs office are temporarily posted to carry out their official duties at another customs office.

Officials of the General Directorate Customs Intelligence and Investigation (including officials of the mobile customs teams) are posted for checks of cross-border traffic or for the carrying out of subject-specific operations under endorsed plans countrywide, for the purpose of suppressing smuggling and restricting the possibilities of customs officials to commit acts of corruption. Risk profiles are created in the customs information systems, containing binding instructions for customs officials who control goods and road vehicles.

Periodically, anonymous polls are conducted among passengers and carriers passing through the border checkpoints. The idea is to obtain information about the operation of the customs administration, including about possible corrupt practices.

Rules on the Prevention of Corrupt Practices and Corruption Violations upon Public Procurement Awards at the Customs Agency have been endorsed by order of the Customs Agency Director and are implemented.

Customs declarations are submitted by electronic means. The functionality of the information systems used in the customs administration is expanded and enhanced. The business community is provided with information about forthcoming changes in these systems, and external tests of new versions of the systems are carried out with commercial sector users.

24. Measures taken to address corruption risks in the context of the COVID-19 pandemic.

Pursuant to point 12 of Article 84 of the Constitution of the Republic of Bulgaria and in connection with the spreading COVID-19 epidemic, in early March 2020 the Council of Ministers proposed to the National Assembly to declare a state of emergency. A state of emergency was declared by a National Assembly resolution of 13 March 2020 for a period of one month, until 13 April 2020. By a resolution of 3 April 2020, the National Assembly extended the period of the state of emergency until 13 May 2020. After the lapse of that period and pursuant to amendments to the Health Act (published in State Gazette No 44 of 2020, in force as from 14 May 2020), an epidemic emergency was declared, and it remains in effect at this point in time. An epidemic emergency is declared by a Council of Ministers decision on a proposal by the Minister of Health based on an assessment of the existing epidemic risk carried out by the Chief State Health Inspector. A prerequisite for the declaration of an epidemic emergency is an imminent danger to human life and health presented by an epidemic spread of an infectious disease.

For the purpose of regulating the contingency measures in the territory of the Republic of Bulgaria to protect, contain and address the consequences of the spread of and infection with the SARS-CoV-2 virus, on 24 March 2020 the National Assembly adopted an Act on the Measures and Actions during the State of Emergency Declared by a Resolution of the National Assembly of 13 March 2020 and on Addressing the Consequences. The Act also applies while the epidemic emergency is in force.

The Act covers a number of fields of social life: healthcare, education, social services, economy, justice and general government. According to its provisions, any procedural time limits in judicial, arbitration and enforcement proceedings, any prescription periods upon the lapse of which rights are extinguished or acquired by individuals cease to run during the state of emergency and for up to two months after its lifting, all public sales and coercive seizures of possession are suspended, and natural persons' bank accounts are immune to preservation orders. As provided for by the Act, during the state of emergency and, respectively, during the epidemic emergency and for three months after its lifting, contracting entities do not apply the provisions of the Public Procurement Act upon procurement of any hygiene supplies, disinfectants, medical devices and personal protective equipment necessary to ensure the epidemic-control measures; any medical devices and ensuring the services of taking samples and reporting the results, purchase of medical and laboratory apparatus necessary for diagnosing and treating infected patients, the consumables for

such devices and apparatus, as well as any activities related to their implementation and their warranty support. The Act contains provisions on arrangements for instruction in pre-school, school and higher education through distance learning. Measures are laid down for support of the economic sectors affected by the pandemic with State budget resources and resources under the operational programmes co-financed by the European Union.

The institutions have taken a number of measures to ensure transparency and accountability in the implementation of the policies related to overcoming the COVID-19 pandemic and addressing its consequences. These measures cover the sectors of healthcare, public procurement, economy and social policy.

Public Procurement Agency

With a view to assisting contracting entities in the conditions of the state of emergency declared in connection with COVID-19 and ensuring lawful public procurement awards, in April 2020 the Public Procurement Agency published on the Public Procurement Portal:

- the Guidance from the European Commission on using the public procurement framework in the emergency situation related to the COVID-19 crisis (in Bulgarian and in English);
- methodological guidance in connection with the implementation of the contingency measures in place upon public procurement awards and performance, including on holding the meetings of the tender assessment commissions and ensuring publicity (where applicable) while observing epidemic-control measures, the options for modifying public procurement contracts, etc.

Ministry of Health

Medical-treatment facilities were enabled, when a state of emergency or an epidemic emergency is declared, to procure medical and laboratory apparatus, medical devices and personal protective equipment, medicinal products, medical devices, disinfectants, hygiene supplies and other supplies and consumables by an act issued by the Minister of Health or a person empowered by that Minister. Medical-treatment facilities and patients are thus ensured timely and unimpeded access to various items in order to prevent corrupt demand for such products and reduce the risks of fraud posed by fake supplies.

State budget resources and resources under Operational Programme Human Resources Development have been allocated to guarantee hazard pay to front-line medical specialists and non-medical staff combating COVID-19. This measure has an anti-corruption effect as it helps avoid risks of corruption when handling patients.

All effective whistleblowing channels for unlawful activity and corruption are used at the Ministry of Health, complying with the provisions in this area. At the Ministry of Health, a high risk of corruption has been identified in the following sectors: management, appropriation or spending of budget resources and assets, including public procurements; performance of control activities; provision of administrative services, including issuing of licenses and authorisations, registration requirements; competitive procedures/contests for entry of persons in registers or for exercising regulated professions.

A number of measures are envisaged for each of the above sectors with a high risk of corruption, and these measures are part of the annual anti-corruption plan of the Ministry of Health and the budget authorisers by sub-delegation, which is approved by the Minister of Health. A report is drawn up on the implementation of the anti-corruption plan. When some of the measures put forward are not implemented, the reasons for this are indicated in the report.

The following corruption-prevention measures are planned in these sectors:

- enlisting a larger number of experts in the drawing up of technical specifications and terms of reference for public procurement awards and rotating the employees included in the commissions under the Public Procurement Act;
- separating award from control in public procurements;
- adopting the principle of repeating checks of establishments by another team;
- rotating the employees in the units performing control functions;

- establishing separate teams for a desk-based review of documentation of medical-treatment facilities for hospital care at the Medical Supervision Executive Agency;
- developing uniform procedures and model forms of documents for the provision of administrative services valid for all regional health inspectorates;
- building an electronic system for entry of data and circumstances within the statutory time limits at the Medical Supervision Executive Agency;
- drawing up specific internal rules and procedures for declaring and ascertaining conflict of interest of the employees who assess applications for marketing authorisations of medicinal products and evaluate clinical trials;
- delivering trainings in preventing and countering corruption and conflict of interest.

National Council on Prices and Reimbursement of Medicinal Products

The National Council on Prices and Reimbursement of Medicinal Products endorses and registers the prices of medicinal products, includes products in the Positive Drug List, endorses manuals of pharmacotherapy and recommendations for algorithms for treatment with medicinal products, and exercises control over the sale of medicinal products with approved prices.

Arrangements have been made for the predominantly online provision of administrative services, with the users of administrative services applying for services and receiving the authorisations as issued above all by electronic means which are accessible on the National Council on Prices and Reimbursement of Medicinal Products website or through a licensed postal operator; consultations with members of the public and applicants are only available by telephone or by electronic means; complaints and additional documents in administrative procedures are submitted electronically.

In connection with the exercise of control over the sale of medicinal products with an approved price, a ceiling price and a registered price, the Council carries out checks remotely, using the feasible electronic communication methods.

Medical Supervision Executive Agency

The Medical Supervision Executive Agency is the authority controlling the activities of all medical-treatment facilities in management, organisational and financial terms.

Members of the public are enabled to alert the Agency in cases where their right of access is violated, as well as about any irregularity related to the medical services they receive. Under the law, the Medical Supervision Executive Agency is obliged to carry out a check in response to each alert received. The Medical Supervision Executive Agency carries out continuous monitoring of medical-treatment facilities as to conformity with all applicable medical, financial and organisational standards in healthcare that are approved by statutory instruments.

Ministry of Interior

In connection with the fight against corruption in the healthcare system and as part of the COVID-19 coping policy, representatives of the MoI General Directorate National Police, the Ministry of Health and control authorities meet periodically to share information about the operational situation and take effective measures to counter breaches of the law in the area of healthcare. Very good cooperation has been established among the General Directorate National Police, the National Health Insurance Fund, the Bulgarian Drug Agency and the Medical Supervision Executive Agency. Meetings with NGO representatives are held to obtain information about breaches of the law that are committed and the reasons for this. Operational contacts have been established with lawyers, security officers and other at medical-treatment facilities in order to obtain information about breaches of the law. If there is reason to believe that the law has been breached, pharmacies and pharmacy warehouses are checked jointly with the Bulgarian Drug Agency. Data on checks carried out responding to alerts about breaches of the law in the area of healthcare are summarised on a monthly basis. A monthly analysis is prepared and preventive measures are taken on this basis.

In an effort to enhance counter-corruption in healthcare, including with regard to the new challenges presented by the COVID-19 pandemic, a separate unit specialised in suppressing criminal offences related to the activities of public authorities handling compulsory health

insurance and the criminal laundering of the proceeds of trade in medicinal products has been set up in the MoI General Directorate Combating Organised Crime.

Prosecutor's Office of the Republic of Bulgaria

In 2020, within the framework of supervision as to legality, the Supreme Administrative Prosecutor's Office regularly assigned checks in connection with the COVID-19 pandemic to the Bulgarian Drug Agency, the National Council on Prices and Reimbursement of Medicinal Products, the Commission for Consumer Protection and the Bulgarian Food Safety Agency in order to prevent and preclude profiteering in preventive equipment, medicines and foods and taking appropriate action to enforce administrative penalty liability. As a result of this, the control authorities have carried out 111 744 checks. The conduct of checks in connection with the COVID-19 pandemic has been ordered to continue until the end of the epidemic emergency in the country, on which the control authorities are required to report to the Supreme Administrative Prosecutor's Office on a current basis.

Section II 'Measures of Remand and other Measures of Procedural Coercion of Chapter Seven 'The Accused Party' and Chapter Thirty-Four [*sic, must be Thirty-Five - Translator's Note*] 'Proceedings in Connection with the Execution of Punishments' of the Criminal Procedure Code (CPC), and more specifically Article 65(3) of the CPC¹⁴ and Article 439(4) of the CPC¹⁵, were amended and supplemented (published in *State Gazette No 98 of 17 November 2020*).

Even though they enter into force as from 30 June 2021, we find that the *amendments to the CPC* published in *State Gazette No 110 of 29 December 2020* relevant to the questions posed, and namely Article 64, where a second sentence and, respectively, a third sentence are added in Paragraph (2) and Paragraph (7)¹⁶, and Article 270, where a second sentence is added in Paragraph (2)¹⁷.

Ministry of Economy

The action taken by the Ministry of Economy in response to the consequences of the COVID-19 pandemic aim to support Bulgarian business through the mechanisms of Operational Programme Innovations and Competitiveness 2014-2020, the Invest Bulgaria Agency, the Bulgarian Development Bank, etc., in accordance with the EU-wide policy of strong support for micro, small and medium-sized enterprises.

In connection with the temporary epidemic-control measures introduced in the territory of the Republic of Bulgaria and the anti-crisis economic measures taken to address the adverse effects of the pandemic on the Bulgarian economy, the Minister of Economy has ordered the Inspectorate at the Ministry of Economy to prioritise the examination, if possible shortening the deadline for response, of alerts, complaints and proposals related to irregularities and suspicions of corruption under OPIC 2014-2020.

¹⁴ A hearing of the case shall be calendared within three days after the case file has been received at the court, and the case shall be examined in open court with the participation of the prosecutor, the accused party and the defence counsel thereof. The case shall be examined in the absence of the accused party if the said appellant states that the said party does not wish to appear, or if the compelled attendance thereof is precluded on health grounds. Where this will not hinder the exercise of the right to defence, the detained accused party may, with his or her consent, alternatively participate in a hearing of the case by video conference, and in such case the identity of the said party shall be proved by the director of the prison, the chief of the detention facility or an official designated thereby.'

¹⁵ 'where this will not hinder the exercise of the right to defence, the sentenced person may, with his or her consent, alternatively participate in a hearing of the case [in early release proceedings] by video conference, and in such case the identity of the said person shall be verified by the director of the prison or an official designated thereby.'

¹⁶ 'Upon the declaration of a state of emergency, a state of martial law, a disaster, an epidemic, other unforeseen circumstances, or where the accused party and the defence counsel thereof have requested so in writing, the accused party may alternatively participate in a hearing of the case by video conference, and in such cases the identity of the said party shall be proved by the director of the prison or the chief of the detention facility or by an official designated thereby.'

¹⁷ 'Upon the declaration of a state of emergency, a state of martial law, a disaster, an epidemic, other unforeseen circumstances, or where the defendant and the defence counsel thereof have requested so in writing and at the discretion of the court, the defendant may alternatively participate in a hearing of the case by video conference, and in such cases the identity of the said defendant shall be proved by the director of the prison or by a representative thereof.'

To this end, a new email address, signali@mi.government.bg, and a telephone line, administrated by the Inspectorate, were opened by the same order at the beginning of August 2020. A total of 62 emails and calls were received at this address and on this telephone in 2020, of which 23 were alerts and the remaining 39 were queries, notifications, requests, etc. All alerts referring to the operation of OPIC have been examined and the results have been covered in reports approved by the Minister. Replies citing the results of the checks carried out have been sent to all whistleblowers.

None of the alerts, complaints or proposals received produced reasons to believe that a corruption violation had been committed or that there was a conflict of interest for which the Inspectorate has a functional responsibility, and two of the alerts have been forwarded to the institutions competent to handle them.

Ministry of Labour and Social Policy

The electronic systems for the provision of administrative services of the budget authorisers by sub-delegation are being upgraded in order to limit the human factor so as to prevent corrupt behavior.

Corrupt behavior of employees of the Ministry of Labour and Social Policy or budget authorisers by sub-delegation can be reported to the Minister through channels of various types, including by email, telephone, and letterboxes specifically provided in the buildings of the administrative structural units concerned.

A method has been developed to check activities under Operational Programme Human Resources Development by means of a system of interviewing, by telephone and other audiovisual communication channels, employees of beneficiaries and members of the target groups under the separate projects for which costs have been claimed. On the basis of information provided by such interviews, non-performance of three contracts was detected and a financial correction was determined, verifying the costs concerned was refused, and the third contract was terminated, notifying the beneficiary to repay all sums received. The cases have been referred to the competent authorities.

Commission for Protection against Discrimination

Thirteen proceedings for protection against discrimination in connection with the COVID-19 pandemic have been instituted at the Commission for Protection against Discrimination. Some of the complaints do not come under the remit of the Commission for Protection against Discrimination or do not meet the requirements of the law. The proceedings on the separate case files vary in progress. In summary, they concern complains in the following areas: an order by the Minister of Health on setting up roadblocks at the entries and exits of regional capitals; Measure 21 'Extraordinary temporary support for farmers and small and medium-sized enterprises that are particularly affected by crisis caused by COVID-19' of the Rural Development Programme for the Period 2014-2020; Council of Ministers decision approving a Programme for guaranteeing interest-free loans in protection of people prevented from performing work due to the COVID-19 pandemic; an order by the Minister of Health prohibiting visits of urban parks and gardens, with provisions for visiting in strict compliance with the epidemic-control measures as indicated; an order by the Minister of Health limiting the permission to visit parks to children aged under 12; the measure 'Aid to provide liquidity to farmers active in primary agricultural production to overcome the effects of the negative economic impact of COVID-19'; a complaint against a former minister of finance who, during a news conference at the Council of Ministers, referred as 'marginals' to all persons who exercise liberal professions, who are not socially disadvantaged or are not hired by an employer; orders restricting the movement from and to a specified quarter and some particular streets in a city during the COVID-19 pandemic; implementing disinfection measures upon entry in a court building; an order by the Minister of Health restricting the business of an economic operator: a cafe club.

25. Any other relevant measures to prevent corruption in public and private sector

According to the ACCSIAP, the Commission for Counteracting Corruption and for Seizure of Illegally Acquired Property consults each bill drafted by the executive authorities regarding the presence of a risk of corruption. A total of 79 bills were consulted in 2020. Indications of a risk of corruption were identified in respect of 22 of these bills, and 48 proposals for revising texts were made so as to reduce and avoid this risk. The other 57 bills were consulted without proposals concerning a risk of corruption. Thirty-one of the proposals made were adopted. Thus, 64.6 % of the proposals made were adopted, 18.7 % were not adopted, and the sponsors of the bills are expected to provide information on 16.7 %. In 2021, the anti-corruption proposals made and the bills submitted for consultation increased in percentage terms compared to the previous years (45 % in 2018, 43 % in 2019, and 60 % in 2020).

Playing its assigned role as guarantor of the observance of the rule of law and of the universally accepted moral and ethical values, the Bulgarian Inspectorate to the Supreme Judicial Council was actively involved in the drafting of the European Deontological Charter of Inspectors participating in the European network of justice inspection services (RESIJ). The main purpose of the Charter is to adopt common guiding ethical principles and rules encouraging the independent functioning of the judicial inspectorates and fostering an increased effectiveness and public trust in the work of the inspection services. The draft was presented at a meeting of the RESIJ General Assembly held on 14 December 2020. After the proposals made at that meeting, the draft will be discussed shortly at a working conference by representatives of the justice inspection services of the RESIJ Member States on 10 March 2021.

New national anti-corruption strategy

A working group was formed by order of the Prime Minister of the Republic of Bulgaria to analyse the effective National Strategy for Prevention and Counteracting Corruption (2015-2020) and to propose a new anti-corruption strategic document. The working group included representatives of the Supreme Judicial Council, the Inspectorate to the Supreme Judicial Council, the Supreme Court of Cassation, the Supreme Cassation Prosecutor's Office, the Commission for Counteracting Corruption and for Seizure of Illegally Acquired Property, the Ministry of Justice, the General Inspectorate with the Council of Ministers, the inspectorates with all ministries, representatives of local government, of non-governmental organisations that are members of the Civil Council with the National Council on Anti-Corruption Policies (NCACP) and of the employers organisations recognised as representative at the national level.

The draft Analysis and Strategy went through two rounds of discussion and coordination by the working group in the context of the COVID-19 pandemic. They were developed using information from the competent executive and judicial institutions and the independent authorities and reports and analyses on counter-corruption drawn up by the non-governmental sector. A draft roadmap was set up, too, for the implementation of the Strategy (2021-2027). The roadmap envisages action for the implementation of the measures, performance indicators, expected results, performance period, financing, and responsible institution.

The draft Analysis, Strategy and Roadmap were considered by the National Council on Anti-Corruption Policies at a meeting on 21 January 2021. Proposals were made and taken into consideration. They are published on the Public Consultations Portal¹⁸, allowing stakeholders one month until 26 February 2021 to submit observations. The drafts have been sent for coordination to all ministries, the SJC, the Inspectorate to the Supreme Judicial Council, the Supreme Court of Cassation, the Supreme Administrative Court, the Prosecutor's Office of the Republic of Bulgaria, CCCSIAP, all regional governors, the National Association of Municipalities in the Republic of Bulgaria, the non-governmental organisations that are members of the Citizens Council with the NCACP, and the employers organisations recognised as representative at the national level.

The proposed draft National Strategy for Prevention and Counteracting Corruption (2021-2027) contains seven priorities: Strengthening the capacity and enhancing transparency of the operation

¹⁸ <http://strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=5828>

of anti-corruption bodies and units; Counteracting corruption offences; Strengthening the capacity and improving the performance of the authorities empowered to exercise control and impose penalties in the administration; Enhancing the transparency and accountability of local government; Ridding citizens of ‘petty’ corruption; Creating a climate of public intolerance of corruption; Timely response to the need to update the anti-corruption measures set in the National Strategy for Prevention and Counteracting Corruption, *inter alia* acting on recommendations issued by international institutions.

At the beginning of March 2021, the consultations with the public and the interested institutions were completed and the received proposals are currently being analyzed. Afterwards, the strategy is to be adopted by the Council of Ministers.

Administrative Offences and Penalties Act

Amendments to the Administrative Offences and Penalties Act (AOPA) were published in the *State Gazette* on 22 December 2020, introducing new rules on accountability and transparency in the controlling and penalising activities of the administration. The revisions seek to set up more anti-corruption measures in this area. Clear rules are laid down on the recusals of the authorities that draw up written statements and issue penalty decrees. The penalising authority now has limited subjective discretion when determining that an offence is a minor case. The proceedings can now be terminated by a reasoned endorsement on more limited grounds. The penalising authority’s powers are supplemented and updated, as are the grounds for a resumption of the administrative penalty proceedings. The amended provisions oblige the penalising authority to state motives for the type and extent of the administrative penalty imposed.

Settlement is institutionalised in the revised law. Individuals, sole traders and legal persons on whom fines or pecuniary penalties have been imposed will have the option to pay only 80 % of the amount stated in the penalty decree if they do so within the deadline for appeal. Effective legal guarantees are created for the defence of citizens in the out-of-court phase of the proceedings by means of appealability of all decisions that may affect the persons’ rights and legitimate interests. The deadline for lodging objections to a written statement ascertaining an administrative offence is increased from 3 to 7 days, and the deadline for appeal against penalty decrees is increased from 7 to 14 days. Individuals and businesses will thus have more time to organise the defence of their rights and legitimate interests.

To enable citizens and businesses to familiarise themselves with the amendments and to allow the administration to prepare for their effective implementation, the revisions to the AOPA will enter into force one year after their publication in the *State Gazette*.

Within the context of support requested by the Republic of Bulgaria from the European Commission, a project entitled ‘Comprehensive reform of administrative penalty proceedings’ is being implemented by the Structural Reform Support Service jointly with the Organisation for Economic Co-operation and Development. The existing legal framework of administrative penalty proceedings and its implementation will be analysed within the framework of the project.

The idea is to identify shortcomings in the controlling and penalising activities of the administration: lack of codification of administrative offences, whether the subject matter is regulated in a number of laws and instruments of secondary legislation; overlapping between criminal offences and administrative offences; problems in differentiating between the extents of penalties for certain offences (e.g. a rather broad margin between the minimum and maximum penalty for a particular type of offence); concentration or duplication of authorities’ powers, etc., as well as to come up with recommendations for improvement based on the experience and good practices of the Member States of the European Union.

Addressing the weaknesses in the system of administrative penalty proceedings with an emphasis on an improvement of the procedural framework, reducing the subjective element in the determination of penalties, and codifying administrative offences will have a significant anti-corruption effect. The solutions proposed within the framework of the project will target greater accountability and the implementation of preventive anti-corruption measures that will eliminate

the possible prerequisites for corruption in the performance of the controlling and penalising activities of the administration.

Anti-corruption plans

In 2018 and 2019, as well as in 2020, CCCSIAP provided analyses of the reports on the implementation of the anti-corruption plans for 2020 of budget authorisers by delegation and sub-delegation and of their anti-corruption plans for 2020.

Based on the conclusions of these analyses, CCCSIAP came up with proposals for amending and supplementing the Guidelines for the drawing up of Anti-Corruption Plans, the Content thereof and the Approval thereof and the Annex to the Guidelines. It was proposed to include management, appropriation or spending of budget resources and assets, including public procurements, as a specific risk of corruption in the respective area, to perform control activities and the other areas listed in the Annex, as well as a deadline for publication of the reports on the plans. The amendments were discussed and adopted at a meeting of the NCACP on 21 January 2021. The updated Guidelines and the Annex were immediately sent to all institutions that draw up anti-corruption plans.

C. Repressive measures

26. Criminalization of corruption and related offences

Implementation is in progress of a measure in Section 'Legal framework for combating corruption' - 'Assigning and providing a comprehensive analysis of the corruption crime cases (in a pre-trial and trial phase) for the period from 1 January 2018 to 1 October 2020, including: an analysis of statistical data and demonstrated trends; the organisational factors preconditioning the status of investigation status and the opportunities to improve the quality of work; the effectiveness of case supervision and exercised supervision (commencement of investigation; skill set; procedural coercive measures and securing the pecuniary penalties of fine and confiscation; financial checks and interaction with CCCSIAP); positive practices; objective and subjective obstacles to the successful disposal of cases; systemic weaknesses; typical errors and recurring problems in the investigation and in prosecuting a case and other reasons for failing to secure a conviction; factors besides the pre-trial proceeding authorities which impact adversely the successful disposal of cases, etc.' By order of the Prosecutor General, since 25 November 2020 a working group including prosecutors and external academic legal experts has been carrying out a comprehensive analysis of the corruption crime cases (in a pre-trial and trial phase) for the period from 1 January 2018 to 1 October 2020.

The plan measure 'Drafting expert proposals for legislative amendments to the Criminal Code (CC) and the Criminal Procedure Code (CPC), including: decriminalising the entrapment into committing bribery; regulating in detail a procedure for carrying out such operations by undercover officers in compliance with judgments in cases of the European Court of Human Rights which require guarantees that the public official is not coerced and the act is proved beyond doubt, precluding abuse; providing for more severe penalties upon an ascertained conflict of interest; providing for measures for the protection of corruption whistleblowers; eliminating the excessive formality of the Bulgarian criminal procedure,' the Prosecutor's Office of the Republic of Bulgaria sent the expert proposals for the requisite amendments to the CPC to the Chairperson of the 44th National Assembly (by letter No 3500 of 13 October 2020), intended to overcome the formality existing in the Bulgarian criminal procedure (<https://prb.bg/bg/news/aLCualno/46836-ekspertni-predlozheniya-na-prokuraturata-za-promeni-na-npk-za-podobryavane-na-ef>) is under implementation. An expert working group, formed for this purpose at the Prosecutor's Office of the Republic of Bulgaria, jointly with external academic experts examines the need of amendments to the CC with regard to corruption offences.

As indicated above, a working group has been formed at the Ministry of Justice for drafting amendments to the CPC and the CC intended to increase the effectiveness of combating corruption.

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

In 2020, prosecution authorities assigned a total of 491 checks to the CCCSIAP Combating Corruption Directorate. Work on 386 such case files has been completed and the results have been reported to the competent prosecutors, with 74 cases producing reasons to believe that corruption offences have been committed. Prosecutors assigned 343 checks in 2018 and 553 in 2019. During the year, employees of the Directorate took over 600 operational detection actions countrywide. Of the 810 alerts referred to the Commission as the authority competent to handle them, checks on 597 alerts have been completed, reports have been drawn up, and the Commission has adopted the relevant decision. During the year, CCCSIAP adopted relevant decisions on undertaking 156 interactions with the Bulgarian prosecution authorities because of reasons to believe that criminal offences had been committed. The alerts referred for operational interaction numbered 145 for 2019 and 137 for 2018.

For the 2018-2020 period, the Commission adopted a total of 641 decisions on bringing actions for the institution of proceedings for illegal-assets and criminal-assets forfeiture with a cost of the actions totalling BGN 1 630 968 028.12, with motions for an injunction securing a future forfeiture action entered for assets to the value of BGN 1 039 308 423.18, and with motions for an injunction securing a future forfeiture action granted for assets to the value of BGN 1 036 409 942.10. For 2020 alone, the decisions numbered 235, the cost of the actions totalled BGN 471 626 294.28, the value of the assets moved for an injunction was BGN 219 458 089.36, and the assets for which the courts granted securing injunctions were valued BGN 219 126 445.29. A total of 47 judgments became enforceable in 2020. Twenty-one actions to an aggregate value of BGN 7 531 940.15 were granted *in toto*, 17 actions for forfeited assets amounting to BGN 4 640 611.49 were granted in part, with the portion dismissed to the value of BGN 3 584 948.25. Nine actions were dismissed *in toto*, valued BGN 3 841 957.82 in aggregate. The Commission also manages the assets under injunction. In 2020, garnishments and preventive attachments were imposed on 713 items of movable and immovable property, including 85 residential properties and 46 commercial premises, 238 land tracts, 339 passenger cars and commercial vehicles, 1 aircraft and 4 items of agricultural machinery.

Throughout 2020, the Prosecutor's Office of the Republic of Bulgaria interacted actively with CCCSIAP in view of the mechanism established for management of assets under injunction while the criminal proceedings were in progress.

In 2020, the value of assets placed under injunction on motions by prosecutors in criminal proceedings under the procedure of Article 72 of the CPC totalled BGN 189 484 331.87. For 2020, 38 judgments ordering forfeiture to the Exchequer of illegal assets became enforceable, and the actions brought by CCCSIAP amounted to BGN 814 372 842.11 while the value of the forfeited assets amounted to BGN 12 172 551.64.

For 2020, a total of 255 actions were brought under the procedure of the superseded acts and the ACCSIAP, and the costs of the actions aggregated BGN 822 171 994.40.

According to the Unified Catalogue of Corruption Offences adopted by the Prosecutor's Office of the Republic of Bulgaria and the summary statistics, 2 685 pre-trial proceedings in connection with corruption offences were supervised in 2020, of which 763 were newly instituted proceedings. A total of 1 183 pre-trial proceedings were disposed of, of which 142 were suspended, 586 were terminated, and 358 were referred to the court by prosecutor's decisions. A total of 446 persons were committed for trial. A total of 262 persons were sentenced by an enforcement court decision. (*Annex I*: Information on the progress and disposal of cases instituted in connection with corruption offences during the 2018-2020 period)

In 2020, 214 persons who held positions of responsibility and control in central and local government institutions were sentenced for corruption offences by an enforceable court decision.

The Specialised Prosecutor's Office conducted 17 investigations in connection with high-level corruption offences and organised crime of great public interest, under which 67 persons were arraigned. They include a Minister of Environment and Water, a Deputy Minister of Environment and Water, two chairpersons of the State Gambling Commission, two members of the State Gambling Commission, a Secretary to the President of the Republic of Bulgaria on Legal Affairs and Anti-Corruption, a chief of division at the MoI General Directorate Combating Organised Crime, a chief of sector at a MoI Precinct Department, two Executive Directors of the Corporate Commercial Bank, five municipality mayors, six deputy municipality mayors and one municipal councillor.

Fourteen pre-trial proceedings were submitted to the Specialised Criminal Court, indicting 74 persons, including a Minister of Health, an Executive Director of State Fund Agriculture, a President of the State Agency for Bulgarians Abroad, a Secretary General of the State Agency for Bulgarians Abroad, a customs office chief, two trustees in bankruptcy of the Corporate Commercial Bank, four municipality mayors and one deputy municipality mayor. (**Annex 2:** Brief information on particular pre-trial proceedings related to high-level corruption offences, including such affecting the financial interests of the EU).

In order to improve the effectiveness of investigations of criminal offences affecting the financial interests of the EU and considering the forthcoming start of operations of the European Public Prosecutor's Office, the Prosecutor's Office of the Republic of Bulgaria has made the requisite arrangements to ensure interaction between the Supreme Cassation Prosecutor's Office and the European Public Prosecutor's Office. With a view to optimising prosecutors' handling of case files and pre-trial proceedings related to criminal offences against the financial interests of the EU, a new Department 08 Criminal Offences against the Financial Interests of the EU and Interaction with the European Public Prosecutor's Office was established at the Supreme Cassation Prosecutor's Office by Order No RD-04-57 of 18 February 2021 of the Prosecutor General. This Department will be central authority of the Prosecutor's Office of the Republic of Bulgaria through which interaction with the European Public Prosecutor's Office will be implemented according to the rules laid down by the Regulation.

The MoI Internal Security Directorate (ISD) investigates offences committed by MoI officials. In 2020, the ISD, acting under the direct supervision of the Prosecutor's Office of the Republic of Bulgaria, carried out a number of operations in which persons were detained for committing malfeasance and accepting bribes, including such involving senior officers. In 2020, the ISD handled 1 167 alerts producing reason to believe that MoI officials may have committed criminal offences, including acts of corruption. Seventy-six pre-trial proceedings were instituted in various prosecutor's offices countrywide against 104 MoI employees. A total of 329 employees were disciplined, and 27 of them were dismissed from the MoI system.

The Case-law page of the Supreme Court of Cassation website contains a section on Cases related to corruption offences, in which the up-to-date lists of the instituted cases are published monthly. After the cases have been adjudicated and announced at the Supreme Court of Cassation, the judgments in these cases are also published on the websites.

A total of 30 cassation criminal corruption offence cases were instituted before the Supreme Court of Cassation in 2020. Six of them were identified as case of public interest. Court decisions were rendered in 18 of these cases, 7 cases have been announced for adjudication, and hearings of 5 cases have been calendared for the second half of February or March 2021. (**Annex 3:** Summary list of the corruption offence cases instituted in 2020 before the Supreme Court of Cassation in view of the defendants' position¹⁹)

28. Potential obstacles to investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation)

¹⁹ All or some of the defendants in some cases did not possess any official capacity.

The issues which have been repeatedly raised by the Prosecutor's Office in countering corruption offences and the issues in law enforcement arising from legislative deficiencies, on the one hand and, on the other, from inadequate and outdated rules were identified in the previous contribution (on page 44 point 27 Potential obstacles to investigation and prosecution of high-level and complex corruption cases).

Considering the finding that legal amendments are needed in order to achieve better effectiveness in countering corruption offences, a working group has been formed by order of the Prosecutor General to analyse the corruption cases and come up with to-the-point expert proposals for internal arrangements to overcome the legal vacuum and assess the need of updating existing rules so as to align them with the changed social and economic conditions and technological advances.

Other – please specify

III. Media Pluralism

A. Media Authorities and Bodies

29. Independence, enforcement powers and adequacy of resources of media regulatory authorities and bodies

The Act to Amend and Supplement the Radio and Television Act was promulgated in State Gazette No. 109 of 22 December 2020. The Act transposes the provisions of Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services.

The Radio and Television Act accordingly reflects the new powers of the body, the new terms and the changes in the definitions of some significant terms and obligations; rules on the video sharing platforms; protecting children against harmful online content, better protection in case of video on demand and extending the scope of the obligation to protect to video sharing platforms; enhanced provisions on protecting children against inappropriate audiovisual commercial messages; enhanced protection of disabled people; enhanced protection against incitement to violence or hatred and public provocations to commit terrorist offenses for linear services, video on demand, platforms; enhanced country of origin principle, agreed derogation procedures and possibilities for derogations for public security purposes and in case of serious risks to public health; promoting European works in on-demand services, which must have at least a 30% share of European content in their catalogue and ensure the visibility of this content; flexibility in regulating TV advertisements; promoting media literacy of citizens of all ages and with respect to all types of media.

The independence of the national regulator is guaranteed not only by the current explicit provision of Article 20 (1) of the RTA, according to which the Council for Electronic Media (CEM) is an independent specialised body, but also under the amended Paragraph 2 and the new Paragraph 3, explicitly stating that the Council may not request or accept instructions from another body in connection with the exercise of the powers assigned to it by this Act. The RTA does not contain a provision that the regulatory body has adequate financial and human resources and executive powers to effectively perform its functions and contribute to the work of ERGA.

In 2021, under the 2021 State Budget of the Republic of Bulgaria, the budget of the Council for Electronic Media was supplemented by an additional BGN 1 124 thousand. In order to create conditions for the implementation of the new powers of the Council, additional funds are provided for the acquisition of a new monitoring system, and this measure is to be implemented within the current year in accordance with the rules of the Public Procurement Act. With regard to the envisaged additional costs for 6 new full-time positions, a change has already been made in the Council's staffing plan and competitions have been announced under the Civil Servant Act in order to strengthen the administrative capacity of the CEM. The need to overcome the underfunding of the regulator over the years is noted.

On 19 October 2020, another draft Act to Amend and Supplement the Radio and Television Act was published on the website of the Ministry of Culture and on the Public Consultations Portal. Proposed supplements and amendments aim at bringing relevant law sections concerning the Radio and Television Fund in line with the Public Finances Act, as well as at aligning the funding of Bulgarian National Radio and Bulgarian National Television with state aid rules.

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

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

Pursuant to the new provision of Article 46 introduced by the Act to Amend and Supplement the RTA of 22.12.2020, self-regulation and co-regulation through codes of conduct and standards, where appropriate, is encouraged. The codes of conduct and the standards include, without being limited to:

- A Code of Ethics of Bulgarian media elaborated by the National Council for Journalistic Ethics Foundation;
- A single standard for regulating sound levels in advertising adopted by the industry;
- National ethical rules on advertising and commercial communication developed by the National Council for Self-Regulation in line with the Code of Conduct under Article 17a (3) of the RTA.

Codes of conduct and standards and their implementation must meet certain requirements - to be widely accepted by key stakeholders; to include clearly and unambiguously set goals; to provide a mechanism for regular, transparent and independent monitoring and periodic evaluation of the achievement of the set goals; foresee means of effective compliance, including an amendment procedure, and effective and proportionate sanctions. Self-regulation through codes of conduct developed by media service providers, service providers of video-sharing platforms or organisations representing them, where necessary in cooperation with other sectors, such as industry, trade, professional and consumer associations or organisations is also encouraged.

Within eight months of entry of the act into force, the Council for Electronic Media must adopt a framework for effective co-regulation pursuant to Article 46 (2) of the RTA. The Council will monitor the compliance of the adopted codes and standards with it. Compliance with these acts is mandatory for media service providers, while for service providers of video sharing platforms, compliance with the provisions of the National Ethical Standards for Advertising and Commercial Communication is mandatory.

A financial sanction is foreseen in case of failure to comply with a decision of the Ethics Commission of the National Council for Journalistic Ethics Foundation and/or the National Council for Co-Regulation association.

National Council for Journalistic Ethics Foundation - creates and maintains a system for self-regulation of the printed and electronic media in Bulgaria on the basis of the Code of Ethics of the Bulgarian media, adopted in 2005. More broadly, the Foundation aims to establish uniform professional standards, promote media self-regulation and the right of the persons concerned to complain, to help increase the information culture of the audience and to create a need to search for accurate, verified and balanced information.

National Council for Co-Regulation - its main task is to unite the advertising industry behind the definition and the adherence to the rules on professional conduct in the area of advertising and commercial communication.

B. Transparency of media ownership and government interference

32. The transparent allocation of state advertising (including any rules regulating the matter); other safeguards against state/political interference

Bulgaria guarantees compliance with the principle of good financial management and control over the spending of EU funds for information and communication activities by observing the

requirements of Regulation (EU) No 1303/2013 and the legal provisions of Article 7, Paragraph (3), Item 4 of the Management of European Structural and Investment Funds Act.

A methodology for allocating financial resources for information and communication for the purposes of the operational programmes and financial instruments co-financed through the European Structural and Investment Funds (ESIF) has been introduced. The document has been made public on the ESIF single information platform:

<https://www.eufunds.bg/sites/default/files/uploads/eip/docs/2018-12/Methodology.pdf>

The methodology has been in force since the summer of 2016, and it was developed after a detailed analysis on the information and publicity measures, which during the first programming period (2007–2013) met criticism and doubts concerning the lack of a single approach for the selection of communication activities and media channels for their implementation. The methodology avoids focusing the financial resources in media channels of the same type and allows for equal access by the competitive selection of all media sources, including the Internet and online media, printed media, news agencies and others.

The Managing Authority aligns the Programme's budget for information and communication with the Methodology.

Each Managing Authority determines the type of media to work with in order to fulfil the specific objectives of the respective Operational Programme and to reach its target audience. According to the Methodology, the allocated resources for contracting without a procedure under the Public Procurement Act cannot exceed 30% of the annual budget for communications of the respective Operational Programme, where 80% represent funds for national media and 20% represent funds for regional electronic media.

The implementation of all information and communication activities, as carried out by the Managing Authority with respect to the programmes, are made public and accessible on a monthly basis on the Single Information Portal at the following link: <https://www.eufunds.bg/bg/node/456> Pursuant to the terms set by the Methodology, an implementation report should be published on a quarterly basis on the following Internet address: <https://www.eufunds.bg/bg/node/464>. This measure is permanent with a continuous term of execution.

The period of 2 years indicated above is needed for analysing, improving and adapting the methodology and other relevant documents mainly with a view to European funds legislation for the new programming period 2021 -2027.

Technical provision for the publishing of information on communication activities conducted under the programmes – the public module of the Information System for Management and Monitoring of EU Funds in Bulgaria 2020 <http://2020.eufunds.bg/>

This measure shall be introduced within 6 months, after which it shall become with a continuous term of execution.

33. Rules governing transparency of media ownership and public availability of media ownership information

The RTA amendment in late 2020 introduced a requirement for the Public Register of the Council for Electronic Media to record data on the legal and natural persons exercising control over the management of the media service provider upon request, as well as data on the management bodies, including personnel, on the media service providers upon request. The same data is included in the register of persons providing services on video sharing platforms.

The amendments to the RTA oblige the CEM to include in its registers a link to the information on the ownership structure and the actual owners of the respective suppliers, provided to the commercial register and the register of non-profit legal entities under the Anti-Money Laundering Measures Act (Article 7 (2)).

A measure to strengthen the control over the declaration of ownership is enshrined in the Action Plan in response to the recommendations and the identified challenges contained in the Report of the European Commission of 30.09.2020 on the Rule of Law for 2020, Country Chapter on the rule of law situation in Bulgaria, adopted by Decision of the Council of Ministers No.

806/06.11.2020. The issues under the pillar "Media Freedom and Pluralism" will be included as priorities in the field of "Media Environment" in the National Development Programme Bulgaria 2030, including: elimination of shortcomings and deficits in the procedure for submitting declarations by media service providers; ensuring stability of the procedures for administrative punishment; conducting annual information campaigns to familiarise/remind media service providers to fulfil their obligation to submit a declaration under Article 7a (3) of the Act on Mandatory Depositing of Printed and other Publications and on Declaring Media Service Distributors and Providers.

C. Framework for journalists' protection

34. Rules and practices guaranteeing journalist's independence and safety

Article 15 of the Act to Amend the RTA, which transposes the Audiovisual Media Services Directive contains provisions on privacy protection and protecting the confidentiality of journalists' sources, which also guarantee their greater editorial independence.

In implementation of the Action Plan in response to the recommendations and the identified challenges contained in the Report of the European Commission, the establishment of an interdepartmental working group is envisaged to establish the appropriate mechanism for the implementation of the measure with the participation of institutions and all stakeholders.

Regardless of whether journalists or representatives of other professions are targeted, every report is handled professionally and thoroughly and is reported to the Prosecutor's Office. The officers of the Ministry of Interior carry out their activity in accordance with the legislation and the current ethical rules and norms, with respect and esteem for the dignity and rights of citizens. Investigating police officers make their decisions by inner conviction, which shall be based on the objective, comprehensive and complete investigation of all circumstances relevant to the case, taking only the law as guidance.

35. Law enforcement capacity to ensure journalists' safety and to investigate attacks on journalists

Prosecutors and investigators have the necessary capacity to guarantee the rights and legitimate interests of harmed journalists.

In the event that persons exercising the profession of a journalist suffer harm and if all other legal preconditions are present, the rules on protection of harmed witnesses pursuant to the CPC, the Act on Protection of Persons Threatened in connection to Criminal Proceedings and the Judiciary Act shall apply.

It is necessary to specify that the Special Part of the Criminal Code does not provide for a qualified corpus delicti or a qualifying feature that distinguishes the criminal act when it is committed against a journalist or when the perpetrator of the crime is a journalist.

The Prosecutor's Office regularly provides information (upon request) on cases against Bulgarian journalists registered in the Platform for the Safety of Journalists Platform of the Council of Europe. It refers to explicitly mentioned specific cases with harmed journalists for the opening, progress and results of such cases.

In this regard, we would like to provide information on the following cases of journalists affected by crime of public importance in 2020, in which the perpetrators were promptly identified and prosecuted.

1. On the initiated pre-trial proceedings in connection to the personal injuries inflicted on 17.03.2020 in the city of Sofia on a famous journalist from a popular Bulgarian weekly publication, in a short period of time the perpetrators were identified - three persons who acted in criminal association. The investigation was conducted within the legal terms and on 21.12.2020, the case was submitted with a bill of indictment to the Specialised Criminal Court against three defendants.

2. An investigation was conducted concerning hooligan actions on 05.08.2020 against a political journalist from a well-known Bulgarian media outlet during a party gathering of a

political party with a wide media and public response, and the perpetrator was convicted in less than five months.

MoI officers undergo training under approved thematic plans for conducting vocational training, with particular attention paid to the requirements of the investigation activity.

Periodically, joint training initiatives are held with the Prosecutor's Office, the National Investigative Service and other partner institutions, which have mainly practical orientation and aim to increase the knowledge and skills of the staff to deal with the challenges and specifics of investigating different types of crimes. Investigation officers also participated in the training events organised by the National Institute of Justice.

The indicated measures are being implemented to strengthen the administrative capacity, with a particular focus on investigative capacity, aimed at quality, objective, impartial and comprehensive conduct of the investigation in cooperation with other police and state authorities with powers in this area.

36. Access to information and public documents

37. Lawsuits and convictions against journalists (incl. defamation cases) and safeguards against abuse

Cases for crimes subject to private prosecution are subject to jurisdiction as the first instance of the regional court and, respectively, as the second - to the district court.

The only possibility for cassation control of cases subject to private prosecution is on the grounds of Article 346, item 4 of the CPC - review of a judgment or ruling of a district court, rendered for the first time in the appellate proceedings, by which the path of the criminal proceedings is terminated, suspended or blocked.

The check performed at the Supreme Cassation Court according to the legal provisions for crimes subject to private prosecution indicated that 4 cases were opened under Article 147, Paragraph 1 (libel) and Article 148, Paragraph 2 (aggravated libel) in 2020 pursuant to Article 346, Item 4 of the CPC.

None of them fall within the scope of the necessary information as the proceedings were not against journalists.

Other – please specify

IV. Other institutional issues related to checks and balances

A. The process for preparing and enacting laws

38. Framework, policy and use of impact assessments, stakeholders'/public consultations (particularly consultation of judiciary on judicial reforms), and transparency and quality of the legislative process.

The Rules of Procedure of the National Assembly regulate the submission, consideration and voting of draft legislation. Draft acts, along with the motives to them and the *ex-ante* impact assessment, are submitted to the President of the National Assembly and are immediately registered in the Draft Acts public register. When draft acts have been submitted by Members of the National Assembly, the *ex-ante* impact assessment follows the methodology annexed to these Rules. For each draft act, an information file is put together, reflecting the process of discussion on the draft in the National Assembly, and is added to *ex-officio* until its adoption or rejection.

All draft acts concerning the judiciary are considered by the Committee on Legal Affairs, whereby the chairperson of the committee requires an opinion from the Supreme Judicial Council, the Supreme Court of Cassation, the Supreme Administrative Court and the Prosecutor General. Debates on the issues of the judiciary in the first and second voting are held in the committee and representatives of the respective judicial institution interested in the draft act are always invited.

By Decision No. 885 of the Council of Ministers, on 3 December 2020, the Guidance on Ex-Post Impact Assessments was approved. It is an official methodological document for studying the results of the application of the normative instruments - acts, codes, secondary instruments of the Council of Ministers. Its purpose is to assist the experts from the administration in the course of the assessment and improvement of the normative instruments. Management will assist in

improving the quality of ex-post impact assessments, raising awareness and involving stakeholders in the process of assessing the effects of the implementation of regulations.²⁰

The 2021 programme of the Council for Administrative Reform for 2021 envisages prioritisation of key laws, which will be subject to subsequent impact assessments in 2021-2022. The indicative criteria that the Administrative Reform Council will adhere to are the frequency of amendments to the laws (a list of the most frequently amended laws, which is drawn up in the framework of the annual summary impact assessment report considered by the Council), as well as the significance of the relevant laws for business (according to a study conducted by the Ministry of Economy).

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

The Normative Instruments Act (§1a, item 4 of the Additional Provisions of the Act) stipulates that draft normative instruments related to the prevention and liquidation of the consequences of force majeure are not subject to mandatory public consultations and preliminary impact assessment.

40. Regime for constitutional review of laws

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

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

- Oversight by Parliament of emergency regimes and measures in the context of the COVID-19 pandemic

- Measures taken to ensure the continued activity of Parliament (including possible best practices)

During the State of Emergency Declared by a Resolution of the National Assembly of 13 March 2020. (SG No. 22/2020), the National Assembly also held plenary sessions only draft acts and draft instruments related to the declared state of emergency. In this period, parliamentary oversight was carried out only through written responses to questions and queries.

During the state of emergency, extraordinary plenary sessions of the National Assembly are convened by the Speaker of the National Assembly at the request of one-fifth of the Members of Parliament, at the request of the President and at the request of the Council of Ministers.

During the emergency epidemic situation in the Republic of Bulgaria:

Rules were adopted for remote participation electronically in the plenary sittings of the National Assembly of Members of Parliament, placed under mandatory isolation or quarantine due to COVID-19 with a decision of a body under Article 61, Paragraphs 2 and 3 of the Health Act.

Members of Parliament placed under compulsory isolation or quarantine due to COVID-19 have the right to participate remotely electronically in the plenary sittings of the National Assembly, including if they are close contacts within the meaning of a decision of a body under Article 61 of the Health Act of a confirmed COVID-19 case. Remote participation electronically in plenary sessions is carried out through an internet platform for video conferencing, which provides direct and virtual participation. By 18:00 h on the day preceding the plenary session, the chairpersons of the parliamentary groups shall present in the office of the Speaker of the National Assembly a list of the members of the respective group placed under compulsory isolation or quarantine and expressing a wish to participate in the plenary session. A Member of Parliament who is not a member of a parliamentary group, placed under compulsory isolation or quarantine and who has expressed a wish to participate in the plenary sitting, shall state this by e-mail in due time.

The Cabinet of the Speaker of the National Assembly shall prepare a general list of Members of Parliament placed under compulsory isolation or quarantine. Each Member of Parliament included in the list shall be sent a link for registration on the Internet platform for videoconferencing and

²⁰<http://www.strategy.bg/Publications/View.aspx?lang=bg-BG&categoryId=16&Id=320&y=&m=&d=>

participation in the plenary sitting between 8.00 and 8.30 h. on the day of the respective plenary session by the Cabinet of the Speaker of the National Assembly.

During the verification of the quorum under Article 52, Paragraph 2 of the Rules of Procedure of the National Assembly, the MPs placed under mandatory isolation or quarantine shall be registered by visualisation on a special screen in the plenary hall. After a check by the secretaries of the National Assembly whether the MPs visualised on the screen are included in the list, the Speaker shall announce them, whereby they shall be considered present at the sitting and shall be added to the transcript. The Chairperson shall open the sitting when the number of registered Members of Parliament through the computerised voting system together with those registered by visualisation is more than half of the Members of Parliament. A Member of Parliament who does not wish to participate in the verification of the quorum under Article 52 (3) of the Rules of Procedure of the National Assembly shall leave the platform.

In case of a wish to speak, a reply, a rejoinder, an explanation of a negative vote, a personal explanation or on procedural issues, the Member of Parliament placed under compulsory isolation or quarantine shall state his/her wish by a request in the platform. The Speaker shall give and take the floor from the Member of Parliament through the platform. The time is reported within the time under Article 58 of the Rules of Procedure of the National Assembly.

A Member of Parliament placed under compulsory isolation or quarantine shall take part in an announced vote after the end of the vote of the Members of Parliament in the plenary session, personally and orally declaring his vote - "for", "against" or "abstained". The results of the relevant voting shall be summed up and the speaker shall announce the total result. The secretaries of the National Assembly shall assist the speaker in the application of these rules. The Members of Parliament who participate remotely electronically in the plenary sessions of the National Assembly, who have expressed a desire to participate in the plenary session, shall be responsible for securing their technical means and internet connection. These rules shall not apply in case of secret voting or at closed sessions of the National Assembly.

B. Independent authorities

42. Independence, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and courts of auditors/national audit offices.

On 21 May 2020, the National Assembly elected Diana Kovacheva as Ombudsman of the Republic of Bulgaria with a majority of 173 votes.

In 2020 the main challenge in the activities of the Ombudsman and its administration was protection of fundamental rights and freedoms in the COVID-19 pandemic situation. In response to the state of emergency and with a view to effectively protecting the rights and freedoms of citizens, the Ombudsman provided immediate public access to the mobile phones of all experts, including during the ongoing emergency epidemic situation. As a result, in 2020 a total of 60,700 citizens received support and protection of their rights from the ombudsman, which is an 18% increase compared to 2019.

The Ombudsman took a clear position on a number of measures related to the imposition of a state of emergency in a country in the period March 13 - May 13, 2020. The Ombudsman asked the National Assembly to adopt legal norms to suspend procedural terms and statute of limitations in cases for the duration of the state of emergency and to suspend the actions of private bailiffs related to public sale, inventories of property and the imposition of attachments on wages and bank accounts of debtors.

With regard to respect for the rights of persons in closed institutions, the Ombudsman took the view that, in the context of the temporary restriction of rights and freedoms, only the prohibition of torture was absolute - it could not be derogated from or restricted in any way in a state of emergency. As the only independent body empowered to protect the rights of persons in closed institutions, the Ombudsman sent recommendations for the application of leading international and European human rights standards to the Minister of Justice, the Minister of the Interior, the

Minister of Labour and Social Policy, the Minister of Justice, Minister of Health, Director of the State Agency for Refugees. In 2020, despite the complicated epidemic situation and the imposed state of emergency, the Ombudsman, as an National Preventive Mechanism, carried out inspections in 49 closed institutions in order to assess the anti-epidemic measures taken in the closed institutions, as well as to monitor the implementation of the issued recommendations. In 2020, a total of 3,848 persons residing in closed institutions received protection of their rights from the Ombudsman.

The Ombudsman filed a complaint regarding reports from citizens, which contained information about serious violations of the rights of participants in the protests detained by the police in the summer of 2020. The findings of the inspections were sent to the Ministry of Interior with a request for effective investigation where there is a serious suspicion of unlawful use of force by police officers during detention. The Ombudsman was informed that after the completion of an internal check under Article 205 (2) of the Ministry of Interior Act, it was established that police officers had exceeded their official powers and violated the fundamental rights of citizens by using physical force beyond the necessary limits. The materials gathered in the course of the check have been sent to Sofia Regional Prosecutor's Office, which is competent in such cases.

The National Audit Office is the Supreme Audit Institution of the Republic of Bulgaria. It is an independent Constitutional body that, pursuant to Article 91, Paragraph 1 of the Constitution of the Republic of Bulgaria and Article 1, Paragraph 2 of the National Audit Office Act (NAOA) monitors the expenditure of the budget and other public funds and activities pursuant to the NAOA and the internationally recognised audit standards.

The main task of the National Audit Office is to control the reliability and authenticity of the financial statements of budget organisations and the lawful, effective, efficient, and economical management of public resources and activities, as well as to provide the National Assembly with reliable and objective information thereof. The National Audit Office shall be independent in performing its operations and shall report only to the National Assembly.

The National Audit Office shall adopt an Annual Audit Programme. Only the National Assembly may issue decisions assigning the National Audit Office to carry out up to 5 audits, on an annual basis, other than those included in the annual programme. The annual audit programme of the National Audit Office shall be provided to the National Assembly, in its part concerning the auditing of accounts for European Union funds, shall be sent to the European Court of Auditors and the European Commission.

Under the National Audit Office Act, the budget of the National Audit Office shall form an independent part of the state budget. Under the Constitution, the draft State Budget Act shall be drafted and presented by the Council of Ministers. Through the Minister of Finance and the budget authorisers by delegation, the Council of Ministers shall organise and manage the process of drawing up the state budget and putting it forward to the National Assembly, as well as its implementation. The approved revenue and expenditures of the National Audit Office for the current year are regulated in Article 4 of the State Budget Act for 2021. Pursuant to the Public Finance Act, the National Audit Office has developed and approved internal rules for the organisation of the budget process. The rules regulate the procedure for compiling the draft budget forecast and budget of the National Audit Office by elements of the Unified Budget Classification, according to functional areas and budget programmes. The National Audit Office prepares its draft budget and then sends it to the Ministry of Finance. The Minister of Finance sends a written statement on the draft, after which the budget is confirmed and sent to the Ministry of Finance for inclusion in the package of documents to the draft law on the state budget for next year. In case of divergence between the opinion of the Council of Ministers and the National Audit Office, only the Committee on Budget and Finance of the National Assembly and the plenary session may decide to adopt either version of the National Audit Office budget in one or the other variant. The Committee on Budget and Finance shall invite the National Audit Office to its session to defend its budget.

Under Measure No. 1 of Item III Media Pluralism and under Measure No. 3 of Item IV "Other institutional issues related to the principles of checks and balances " of the Action Plan adopted by the government, it is necessary to note that in the adopted 2021 State Budget Act of the Republic of Bulgaria, the financial parameters of the above two measures are provided in the budgets of the Council for Electronic Media, of the Ombudsman of the Republic of Bulgaria and of the Commission for Protection against Discrimination. The additional expenditure of BGN 50 000,00 (50 thousand) (EUR 25,565) is part of the sustainable policy for enhancing the Ombudsman's capacity, planned for each of the three years of the 2021-2023 budget forecast. In 2021, the budget of the Commission for Protection against Discrimination was increased by 10% in the Staff Section, compared to the 2020 budget.

C. Accessibility and judicial review of administrative decisions

43. Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data) and judicial review (incl. scope, suspensive effect)

44. Implementation by the Public Administration and State institutions of final court decisions

D. The enabling framework for civil society

45. Measures regarding the framework for civil society organisations (e.g. access to funding, registration rules, measures capable of affecting the public perception of civil society organisations, etc.)

A non-profit legal entity (association or foundation) originates as from its registration in the register of non-profit legal entities, kept by the Registry Agency to the Minister of Justice. An application is filed electronically or on site at the Registry Agency.

In addition to the application, the following documents must be announced in the register - the decision for establishment of the non-profit legal entity, the statute of associations, respectively the constitutive act of foundations and decisions for changes in the circumstances subject to entry. For individualisation of the non-profit legal entity, the following circumstances are subject to entry in the register - the name, the objectives and the means for their achievement, the subject of the additional economic activity; the registered office and address; the bodies, names of the members of the management body, names and the positions of the persons representing the non-profit legal entity; the determination to carry out activity in public or private benefit; the total amount of the initial property contributions, if any, etc.

They are no longer filed with the Bulstat Register, the court or the Ministry of Justice, whereby the registration procedure is significantly eased.

The non-profit legal entity shall be terminated upon the expiration of the term, for which it was established; based on a decision of its supreme body; by a decision of the district court at the seat of the non-profit legal entity, when it was not established as per the applicable procedure or when it carries out activity contrary to the Constitution, laws and morals. Another reason for termination by the district court shall be the inclusion of the non-profit legal entity in the list under the Measures against Financing of Terrorism Act (the list is adopted by the Council of Ministers, it shall include based on a proposal of the Minister of Foreign Affairs, the Minister of Interior, the Chairman of the State Agency for National Security or the Prosecutor General persons against whom criminal proceedings have been instituted for terrorism, financing of terrorism, recruitment or training of individuals or groups of persons for the purpose of terrorism, persons for whom there is sufficient data that they carry out activities related to terrorism or financing of terrorism and persons specified by the competent authorities of another state) or the existence of data that it performs activities supporting terrorism or has been declared bankrupt.

Civic participation is an integral part of determining the priorities for development of the country in all manifestations of public life, both for the adoption, development and implementation of policies and monitoring their implementation, and for the effective functioning of the state administration. Civic participation is the basis for the application of the principles of transparency, openness and efficiency of public administration. In pursuance of specific objective 3 "Increasing Civic Participation in the Process of Policy Formulation and Control" of Priority Axis 2 "Effective

and Professional Governance in Partnership with Civil Society and Business" of the Operational Programme "Good Governance", nearly BGN 10 million were provided to NGOs and socio-economic partners for increasing civic participation in the processes of formulation, implementation and monitoring of policies and legislation. The procedure funded projects aimed at increasing the interaction and improving the partnership between the administration and the citizens and the business; increasing the activity of NGOs and socio-economic partners in the formulation, implementation and monitoring of policies and legislation by making recommendations for improving service delivery processes, a better regulatory environment, more open and accountable governance, improving the legal and regulatory environment, transfer of good practices, improvement of the socio-economic environment. 115 projects were implemented in the period 2018 - 2021. In 2021, the opening of the next procedure for NGOs and Social and Economic Partners is forthcoming, for which approximately BGN 10 million have been provided.²¹

The issues of the judiciary and the need for its reform are one of the most topical issues in the context of the membership of the Republic of Bulgaria in the European Union. To achieve this, in pursuance of specific objective 1 "Increasing Transparency and Speeding up the Administration of Justice through Reform in the Structure, Procedures and Organisation of the Judiciary" of Priority Axis 3 "Transparent and Efficient Judicial System" under the Operational Programme "Good Governance", nearly BGN 5 million have been provided for the active involvement of non-governmental and professional organisations in the process of developing, monitoring and evaluating reform strategies, preparing proposals for improvements in the judiciary and promoting and developing alternative methods for resolving legal disputes. Under the procedure, projects were funded that aimed at ensuring the independence of the judiciary and other judiciary bodies through effective measures against corruption, political and economic pressure and other dependencies; the human capital of the judiciary - the main resource and focus of the reform, effective administration of the judiciary, modern and effective criminal policy, guarantees for the rule of law, increasing confidence in the judiciary through public participation and transparency; developing, monitoring and evaluating reform strategies and proposals for improvements in the judiciary; making suggestions for transferring good practices and innovative solutions to eliminate shortcomings in the system. In the period 2017 - 2020, 31 projects were implemented and 23 more are yet to be implemented as of the start of 2021.²²

Annually, the budget of the Ministry of Justice allocates funds for financing projects of non-profit legal entities that carry out activities under the Protection against Domestic Violence Act, for development and implementation of programs for prevention and protection from domestic violence. The priority funding objectives are: Ensuring protection, rehabilitation and reintegration of victims of domestic violence through timely provision of quality services; providing services for working with perpetrators of domestic violence, with a view to preventing recurrence of domestic violence; prevention and protection from domestic violence through the production and dissemination of information materials in the media and social networks.

In view of the set goals, in 2020 programmes were funded to provide assistance to victims of domestic violence: social, psychological and legal counselling, specialised programmes for perpetrators of domestic violence: social and psychological counselling and programmes for prevention and protection from domestic violence in connection to publications.

²¹ More information on the procedure can be found on the following websites:

- <https://eumis2020.government.bg/bg/s/Procedure/InfoEnded/ff158828-a3ad-431d-8e95-29359b6239b>
- <https://www.eufunds.bg/bg/opgg/node/741>

²² More information on the procedure can be found on the following websites:

- <https://eumis2020.government.bg/bg/s/Procedure/InfoEnded/78ebd543-c004-46f2-8816-4ba5c925d00>
- <https://www.eufunds.bg/bg/opgg/node/739>

Pursuant to the 2020 National Programme for Prevention and Protection from Domestic Violence, in April 2020, under the Public Procurement Act, a National Hotline for Victims of Domestic Violence was financed - 0800 1 8676 or 02/981 76 86, which is maintained by the Animus Association Foundation.

The draft Act to Amend and Supplement the Protection from Domestic Violence Act, prepared by an interdepartmental working group at the Ministry of Justice and published for public consultations, envisages expanding the scope of activities for prevention and protection from domestic violence that are subject to funding. It is envisaged that the budget of the Republic of Bulgaria from the budget of the National Commission for Prevention and Protection from Domestic Violence must determine funds for financing projects of social service providers and legal entities registered under the Commercial Register and the Register of Legal Entities for non-profit purposes, which meet the requirements and carry out activities for the development and implementation of: 1. domestic violence prevention programmes, which relate to the preparation and approval of programmes in educational institutions; programmes for work with the bodies of the judiciary and with the bodies of the Ministry of Interior; monitoring the implementation of the law; conducting seminars and conferences; publications; 2. programmes for providing assistance to persons, victims of domestic violence, which include social, psychological and legal counselling and specialised programmes for rehabilitation and/or protection of persons or children, victims of violence or witnesses; referral to other necessary specialists and interdisciplinary consultations, as well as to social services for victims of domestic violence; 3. training of the persons who carry out the protection under the law and 4. specialised programmes, attended by persons, who have committed domestic violence, and which include social and psychological consultations.

The following specialised protection services are provided: consultation on a 24-hour toll-free hotline; counselling in a counselling centre for victims of domestic violence; accommodation in a crisis centre for victims of domestic violence; accommodation in a shelter (protected home) for victims of domestic violence for accommodation after the sixth month of the incident.

The management and control system of the Operational Programme "Human Resources Development" (OP HRD) provides specific mechanisms for interaction with all partners, including civil society organisations, in order to achieve transparency, legality and appropriateness in spending the funds provided under the programme. The non-governmental organisations are involved and participate in the work of the Monitoring Committee under the programme, which is the main body determining the rules for applying under each OP HRD scheme. This is the body that makes the most important decisions for the programme, including decisions to amend it if necessary. An annual report on the progress of the programme is submitted to this body, respectively, it is the competent body to give obligatory instructions to the MA of the OP HRD.

For the development of civil society and the increase of the capacity of the non-governmental sector in the Republic of Bulgaria, under OP HRD, specific schemes for granting financial aid are envisaged and announced, under which non-governmental organisations are eligible partners. In 2020 such schemes are: Ongoing support for the deinstitutionalisation of children and young people - STAGE 2 - the provision of social and integrated health and social services for children and families; "Socio-Economic Integration of Vulnerable Groups. Integrated Measures to Improve Access to Education"; support for people with disabilities and social inclusion of people with mental disorders and intellectual disabilities.

In each of the cited schemes there is a possibility for financing of non-governmental organisations, in order to use their specific experience and knowledge in implementing these basic policies in the Republic of Bulgaria.

F. Initiatives to Foster a Rule of Law Culture

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

In the course of the past year, in the context of the COVID-19 pandemic, draft acts related to the ongoing reform of the judiciary were proposed and considered in the National Assembly, as well as a draft of a new Constitution of the Republic of Bulgaria.

The most important reason for not holding a number of debates in Parliament on the rule of law, public information campaigns on topics related to the rule of law was the deepening of the COVID-19 crisis. The COVID-19 pandemic continues to be a severe state of emergency on a national and global scale. The prolongation of the emergency epidemic situation and the implementation of anti-epidemic measures in the country has rendered it impossible to plan and organise various events. The gathering of many organisations, scientists and citizens in one place cannot be carried out due to the possibility of infection and the placing of these members of society in a risk.

Other – please specify