

<Translation from Bulgarian>

DRAFT!

DECREE

No.

of 2024

on the establishment of a National Coordination Mechanism for the implementation of the rulings of the European Court of Human Rights

THE COUNCIL OF MINISTERS

RULED:

Art. 1. Establishes a National Coordination Mechanism for the Implementation of the Rulings of the European Court of Human Rights (ECtHR) under the Council of Ministers, regulates a procedure for the implementation of measures to implement the rulings of the ECtHR and a procedure for the payment of the amounts awarded by a decision of the ECtHR or determined in friendly agreements or unilateral declarations in cases before the ECtHR.

Chapter One

National Coordination Mechanism for the Implementation of Rulings of the European Court of Human Rights

Art. 2. (1) The National Coordination Mechanism for the Implementation of the Rulings of the ECtHR aims to create conditions for the effective implementation of the rulings of the ECtHR that have entered into force in cases against the Republic of Bulgaria within the meaning of Art. 46 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

(2) The National Coordination Mechanism helps to:

1. ensure coordination in the field of executive power and cooperation with other state bodies, local government bodies, non-governmental organizations and the scientific and expert community in the process of developing and implementing measures to implement the rulings of the ECtHR;
2. assist the relevant departments, through contact points, in developing the necessary measures to implement the rulings of the ECtHR;
3. monitor the progress achieved in the implementation of the rulings of the ECtHR;
4. understand, respect and protect human rights in the Republic of Bulgaria.

Art. 3. (1) The National Coordination Mechanism shall conduct its activities through the Council for the Implementation of the Rulings of the ECtHR, which shall be responsible for ensuring

coordination, assistance and dialogue in the process of implementation of the rulings of the ECtHR (hereinafter referred to as the “Council”).

(2) The participation in the activities of the Council of bodies and institutions that are outside the executive branch shall be on a voluntary basis and shall be an expression of cooperation and dialogue between the authorities.

Art. 4. The Council:

1. coordinates the interaction between the executive authorities and the cooperation with other state authorities, local government bodies, non-governmental organizations and the scientific and expert community for the adoption of general measures for the implementation of the rulings of the ECtHR against the Republic of Bulgaria that have entered into force, and where necessary - of individual measures for implementation, in order to ensure timely and effective implementation;

2. monitors the progress of the implementation of the rulings of the ECtHR, including the implementation of the action plans on specific rulings or groups of rulings, the recommendations of the Council of Europe bodies and the relevant national strategic documents;

3. identifies general measures, including the need for legislative changes;

4. establishes an Expert Group for the Implementation of the Rulings of the ECtHR with the task of preparing proposals for measures aimed at reducing the number of rulings of the ECtHR against the Republic of Bulgaria subject to execution, and interacts with it;

5. if necessary, upon the proposal of the Chairman of the Council or the Secretary, forms other working groups to prepare measures for the implementation of specific rulings or groups of rulings of the ECtHR;

6. when the expert group cannot take a decision on this issue, determines the body responsible for implementing measures for the implementation of a certain ruling of the ECtHR, and in the absence of the necessary majority for decision-making, refers the request to the Prime Minister to designate the responsible body;

7. when the expert group cannot take a decision, approves the draft action plans prepared by the Council Secretariat and finally determines the measures for the implementation of certain rulings and the deadlines for their implementation;

8. adopts an annual program for its activities;

9. approves the draft annual report of the Minister of Justice to the National Assembly;

10. makes recommendations to the Council of Ministers for the adoption of new plans and strategic documents in the field of the implementation of the rulings of the ECtHR by the Republic of Bulgaria;

11. annually collects information from the bodies represented in it and from the Institute of Public Administration regarding the trainings conducted during the year for employees in the state administration on human rights issues, assesses the need for trainings in the following year and may make recommendations to its members to include such trainings in the annual training plan for employees in the respective administration;

12. may propose to its members to be seconded from their administrations for a certain period to the ECtHR, the Department for the Implementation of Rulings of the ECtHR to the Council of Europe or the Permanent Representation of the Republic of Bulgaria to the Council of Europe;

13. carries out international cooperation and exchange of good practices in the field of the implementation of rulings of the ECtHR with other countries and with the bodies of the Council of Europe.

Art. 5. (1) The Council shall comprise a Chairman, a Deputy Chairman and members.

(2) The Chairman of the Council shall be the Minister of Justice, who shall:

1. represent the Council;
2. convene and chair the meetings of the Council and determine their agenda;
3. organize and coordinate the implementation of the decisions of the Council
4. exercise other powers specified in this Decree.

(3) The Deputy Chairman shall be appointed by the Chairman from among the members of the Council and shall perform the functions of the Chairman in his/her absence.

(4) Members of the Council shall be:

1. the Minister of the Interior;
2. the Minister of Labor and Social Policy;
3. the Minister of Finance;
4. the Minister of Regional Development and Public Works;
5. the Minister of Foreign Affairs;
6. the Minister of Agriculture and Food;
7. the Minister of Health;
8. the Minister of Education and Science;
9. the Chairman of the State Agency for National Security;
10. the Chairman of the State Agency for Child Protection;
11. the Chairman of the State Agency for Refugees;
12. the Chairman of the Commission for Protection against Discrimination.

(5) In the event of inability to participate, the Chairman, Deputy Chairman and its members may be replaced by officials authorized in writing.

(6) The activities of the Council shall be supported expertly and administratively and technically by a secretary and a secretariat. The Secretary of the Council shall be the Director of the Procedural Representation and Enforcement of Rulings of the European Court of Human Rights in the Ministry of Justice Directorate. The Procedural Representation and Enforcement of Rulings of the European Court of Human Rights in the Ministry of Justice Directorate shall perform the functions of the Secretariat of the Council.

Art. 6. (1) The Council shall hold regular and extraordinary meetings.

(2) The Council shall hold regular meetings once a year in April, which shall be convened by its Chairman.

(3) The Chairman of the Council may at any time convene an extraordinary meeting of the Council on his/her own initiative or upon a written proposal from the Secretary or a member of the Council. At the discretion of the Chairman, the extraordinary meeting may be held in a reduced composition, including only the members who are relevant to the issues included in the agenda or who have expressly stated to the Chairman their desire to participate.

(4) The National Ombudsman shall participate personally or through a representative designated by him/her without the right to vote in all meetings of the Council.

(5) Depending on the nature of the issues under discussion, the Chairman may, on his/her own initiative or upon a proposal from the Secretary or a member of the Council, invite representatives of other state bodies and institutions, non-governmental organizations, representatives of the scientific and expert community, etc., to participate in the meetings of the Council without the right to vote.

(6) The Secretariat shall prepare and send the agenda and materials for the meetings of the Chairman, Deputy Chairman and members of the Council no later than 5 days before the date of the regular meeting.

Art. 7. (1) The meetings of the Council shall be opened and held if more than half of the regular members are present.

(2) The Council shall adopt its decisions by open vote and by a majority of more than half of those present.

(3) Minutes shall be drawn up for each meeting of the Council, which shall reflect the issues reported, the discussions held, the opinions expressed and the decisions adopted. The minutes shall be signed by the Chairman and the Secretary of the Council, distributed electronically to all members and within 7 days of its signing and shall be published on the Council's website on the Portal for Consultative Councils and on the website of the Ministry of Justice.

(4) In exceptional cases, by decision of the Chairman, the Council may take a decision without holding a meeting if all its members express their written consent to this method of voting in the minutes of the decision taken. The decision shall be deemed adopted if more than half of the Council members vote "in favour".

Art. 8. (1) The Chairman of the Council has the right to request from the executive authorities to provide him/her, within a period determined by him/her, information and documents at their disposal that are necessary for the implementation of the National Coordination Mechanism for the Implementation of the Rulings of the ECtHR.

(2) The National Institute of Justice and the Institute of Public Administration shall provide, upon request from the Chairman or Secretary of the Council, information on the training activities conducted on human rights.

(3) In order to ensure the work of the Council, its Chairman may request the provision of information, opinions and analyses from other competent bodies, institutions and organizations.

Art. 9. (1) At its regular meetings, the Council shall adopt a report on its activities for the previous calendar year and a work program for its activities for the following calendar year.

(2) At the same meeting, the Council shall approve the draft annual report of the Minister of Justice to the National Assembly.

(3) The Chairman of the Council shall submit to the Council of Ministers the report under the previous paragraph.

(4) The annual work program and the report on the activities of the Council shall be published on the website of the Ministry of Justice.

Art. 10. (1) The Council shall establish an Expert Group with the task of preparing and approving proposals for measures aimed at implementing rulings of the ECtHR against the Republic of Bulgaria.

(2) The Expert Group shall consist of a chairman and members.

(3) The chairman of the Expert Group shall be the director of the Procedural Representation and Implementation of Rulings of the European Court of Human Rights Directorate at the Ministry of Justice.

(4) Members of the Expert Group shall be experts, a titular member and a deputy member, from the administrations of the bodies and institutions referred to in Art. 5, para. 4, designated by name by their heads.

(5) The meetings of the Expert Group shall be regular and extraordinary. The expert group shall hold regular meetings four times a year - in March, June, September and December, within two weeks of the meetings of the Committee of Ministers of the Council of Europe in the Human

Rights composition. Extraordinary meetings may be convened by the chairman of the expert group at any time at his/her discretion or at the request of the chairman of the Council.

(6) Depending on the agenda, a meeting of the expert group may be held in a reduced composition with the participation of only the members competent in the issues under discussion.

(7) A representative of the Ombudsman shall participate without the right to vote in all meetings of the expert group.

(8) The chairman of the working group may invite other persons to participate without the right to vote in the meetings of the expert group.

Art. 11. (1) The Expert Group:

1. ensures operational interaction at an expert level between the bodies and institutions represented in the Council;

2. provides expert assistance to the Council in determining general measures for the implementation of the rulings of the ECtHR against the Republic of Bulgaria that have entered into force, and, if necessary, also individual measures for implementation, as well as in determining the competent authorities for the implementation of the measures and the deadlines for this;

3. approves the draft action plans prepared by the Council Secretariat, and if it does not achieve the necessary majority for their approval, refers the issue for resolution by the Council;

4. assists the Council in developing the annual program and the report on its work;

5. assists the Chairman of the Council in preparing the annual report of the Minister of Justice to the National Assembly;

6. discusses problems related to the practice of the ECtHR in relation to other countries, and their impact on the Republic of Bulgaria;

7. provides expert opinions, prepares analyses on other issues and performs other tasks within its field of competence at the request of the Chairman or Secretary of the Council.

(2) The expert group adopts decisions by open vote and by a majority of more than half of the members present. The decisions of the expert group on measures for the implementation of the rulings of the ECtHR shall indicate one or more bodies and administrations responsible for their implementation and a deadline for the implementation of each measure.

(3) The activities of the expert group shall be provided administratively, technically and expertly by the Procedural Representation and Implementation of Rulings of the European Court of Human Rights Directorate in the Ministry of Justice.

Art. 12. (1) The Secretariat of the Council shall assist the Council in informational, administrative and technical terms in the process of implementing the rulings of the ECtHR, by:

1. ensuring coordination and operational interaction between the Council and the bodies responsible for implementing the measures of implementation;

2. organizing the preparation and holding of the meetings of the Council and drawing up the agenda for them;

3. collecting opinions from the competent bodies and institutions on the issues considered by the Council and summarizing them;

4. recording the minutes of the meetings of the Council and the rulings adopted and keeping its documentation;

5. preparing a draft annual report and an annual program for the activities of the Council;

6. preparing a draft of the annual report of the Minister of Justice to the National Assembly;

7. coordinating and providing informational, administrative and technical support for the work of the expert group and other working groups established by the Council;

8. organizing the translation of the rulings of the ECtHR in cases against the Republic of Bulgaria that have entered into force;

9. identifies the authorities competent to implement measures for the implementation of a decision and sends them a translation of the decision and a pre-prepared questionnaire on the implementation measures;

10. on the basis of the completed questionnaires, prepares proposals for specific implementation measures and draft action plans and submits them for approval by the expert group;

11. if necessary, revises the draft action plans on the basis of the opinions provided by the expert group;

12. if it cannot determine the authority competent to implement measures for the implementation of a decision, refers the matter to the expert group, if necessary convening an extraordinary meeting of the expert group at which the matter is to be resolved;

13. monitors the implementation of the determined measures and reports to the Council through the Secretary on cases of non-implementation, delayed or partial implementation;

14. prepares the action reports;

15. ensures the publication of the necessary information on the Council's activities on the website of the Ministry of Justice.

(2) The Secretariat shall communicate and cooperate with the competent bodies of the Council of Europe in the process of monitoring the implementation of the rulings of the ECtHR, raise awareness on issues related to the implementation of the rulings of the ECtHR and publish information in this regard on the website of the Ministry of Justice.

Chapter Two

Procedure for the application of measures to comply with the rulings of the European Court of Human Rights

Art. 13. (1) Within three months of the entry into force of the ECtHR ruling, the Secretariat shall:

1. arrange for the translation of the ruling into Bulgarian;

2. determine the authorities competent to implement the measures of execution and draw up a questionnaire with a view to determining the appropriate measures;

3. send the competent authorities and the members of the expert group a translation of the ruling and the questionnaire;

4. send the translation of the ruling to other authorities that may be concerned.

(2) Within one month of receiving the questionnaire, the competent authority shall draw up and send to the Secretariat a reply, which shall include:

1. a reasoned proposal for implementing measures and a time frame for their implementation;

2. information on measures already taken or in preparation;

3. other relevant information.

(3) In the event of a dispute as to who is the competent authority, the matter shall be referred to the Council for a decision. The Council shall, by decision, determine the competent authority. If the Council fails to reach the required majority to designate a competent authority, its President shall immediately refer the matter, together with a reasoned opinion, to the Prime Minister, who shall designate the competent authority by order within 3 days.

Art. 14. (1) On the basis of the information collected, the Secretariat shall prepare a draft action plan and submit it for approval to the expert group.

(2) The expert group shall discuss the draft at its next regular meeting or at an extraordinary meeting convened for the purpose, and may propose additions or amendments.

(3) If the expert group rejects the draft action plan initially or resubmitted, the Secretary shall refer the matter to the Council for approval. The Council shall approve the plan or make recommendations for its revision.

(4) The Secretariat shall submit the final version of the action plan to the Committee of Ministers of the Council of Europe.

Art. 15. (1) The measures in the action plan shall be implemented by the competent authorities within the time limits set out in the plan.

(2) Upon request by the Secretariat, the competent authorities shall send information on the progress of the implementation of the envisaged measures.

(3) The expert group shall periodically discuss the implementation of the envisaged measures.

(4) Draft regulatory acts and other measures shall be sent to the Council for information.

Art. 16. (1) The Council shall monitor the implementation of the measures provided for in the action plans and compliance with the deadlines set, and may request additional information from the competent authorities and give them instructions.

(2) In the event of obstacles and difficulties in implementing the measures provided for in the action plan, the competent authorities shall immediately notify the Secretary of the Council, who may request the convening of an extraordinary meeting of the expert group or of the Council.

(3) On the basis of the information provided by the competent authorities, the Secretariat shall prepare updated action plans and reports in accordance with Art. 14.

Art. 17. (1) In the event of non-implementation of the plan, the Secretary shall notify the Council, which shall discuss the matter, give instructions and set a deadline for their implementation.

(2) Within the deadline set by the Council, the competent authority shall take the necessary measures to overcome the non-implementation and shall notify the Secretariat of the Council thereof.

Chapter Three

Procedure for the payment of sums awarded by a decision of the ECtHR or agreed in friendly settlements concluded with the opposing party in cases before the ECtHR

Art. 18. (1) The Council of Ministers shall adopt a decision on the payment of compensation for the execution of the rulings of the ECtHR that have entered into force in cases to which the Republic of Bulgaria is a party.

(2) The Council of Ministers shall adopt a decision on the approval of friendly agreements and unilateral declarations in cases before the ECtHR to which the Republic of Bulgaria is a party and on the payment of compensation thereunder.

(3) The funds necessary for the payment of the amounts awarded by the rulings of the ECtHR or determined in the concluded friendly agreements shall be provided from the republican budget.

ADDITIONAL PROVISION

§ 1. For the purposes of this Decree:

1. "Individual measures to comply with the rulings of the ECtHR" are measures aimed at putting an end to a violation of the ECtHR established by the ECtHR and eliminating its consequences by placing the injured party, as far as possible, in the position in which he/she or she was before the violation was committed.

2. "General measures to comply with the rulings of the ECtHR" are measures aimed at putting an end to ongoing violations of the ECtHR and/or preventing new violations similar to those established by the ECtHR.

FINAL PROVISIONS

§ 1. The Decree is adopted on the basis of Art. 21 and Art. 22a, para. 1 of the Administration Act and Art. 6, item 2 of the Normative Acts Act.

§ 2. The Decree shall enter into force on the day of its promulgation in the State Gazette.

§ 3. For unresolved issues, the Regulations on the Organization and Activities of the Council under Art. 21, para. 1 of the Administration Act, adopted by Decree No. 117 of the Council of Ministers of 2012 (promulgated, State Gazette, issue 47 of 2012, in force from 22.06.2012, supplemented, issue 36 of 25.04.2014), shall apply.

§ 4. Within 10 days of the entry into force of the decree, each member of the Council shall designate an expert and his/her deputy as a contact point on issues related to the implementation of the rulings of the ECtHR.

§ 5. Within one month of the entry into force of the decree, the Minister of Justice shall approve by order the composition of the Expert Group for the implementation of the rulings of the ECtHR.

§ 6. The following amendments shall be made to Decree No. 26 of the Council of Ministers of 02.02.2004 on the procedural representation of the Republic of Bulgaria before the European Court of Human Rights (published in the State Gazette, issue 11 of 10.02.2004, supplemented, issue 10 of 1.02.2008, in force from 1.01.2008):

1. Paragraph 2 of Art. 1 shall be repealed, and Art. 1 shall be amended as follows:

"Art. 1. The procedural representation of the Republic of Bulgaria before the European Court of Human Rights (ECtHR) shall be carried out by government agents at the Ministry of Justice."

2. Para. 2 of Art. 5 is repealed, and Art. 5 is amended as follows:

"Art. 5. The expenses related to the implementation of the procedural representation of the Republic of Bulgaria shall be provided from the budget of the Ministry of Justice."

§ 7. In the Organizational Regulations of the Ministry of Justice (promulgated, State Gazette, issue 16 of 27.02.2015, in force from 27.02.2015, amended, issue 48 of 27.06.2015, in force from 27.06.2015, amended and supplemented, issue 54 of 29.06.2018, in force from 29.06.2018, amended, No. 5 of 15.01.2019, effective from 15.01.2019, No. 15 of 21.02.2020, effective from 1.07.2020, amended and supplemented, No. 28 of 6.04.2021, effective from 6.04.2021, (*) No. 60 of 29.07.2022, effective from 01.09.2022, amended, No. 70 of 30.08.2022, in force from 31.08.2022, amended and supplemented, No. 82 of 14.10.2022, in force from 14.10.2022, No. 10

of 31.01.2023, effective from 31.01.2023, amended, No. 104 of 15.12.2023, effective from 15.12.2023), the following amendments are made:

1. Point 6 of Art. 25 is amended as follows:

"6. Procedural representation and enforcement of rulings of the European Court of Human Rights;"

2. In para. 1 of Art. 31 the following amendments and additions are made:

a) The words "Procedural Representation of the Republic of Bulgaria before the European Court of Human Rights Directorate" are replaced by "Directorate Procedural Representation and Enforcement of Rulings of the European Court of Human Rights" ;

b) At the beginning of item 3, the following text shall be added: "performs the functions of the secretariat of the Council for the implementation of the rulings of the ECtHR and";

c) In item 6, the words "and proposes other measures" shall be deleted.

3. The Annex to Article 11, para. 2 is amended as follows:

a) The title "Number of personnel in the organizational structures and administrative units of the Ministry – 273 full-time employees" is replaced by "Number of personnel in the organizational structures and administrative units of the Ministry – 280 full-time employees"

b) The words "Procedural Representation of the Republic of Bulgaria before the European Court of Human Rights Directorate" and the number "13" are replaced by the words "Procedural Representation and Enforcement of Rulings of the European Court of Human Rights Directorate" and the number "20".

§ 8 Point 10 of Art. 38 of the Organizational Regulations of the Ministry of Foreign Affairs (promulgated, State Gazette, issue 80 of 13.09.2013, in force from 13.09.2013, amended and supplemented, issue 7 of 20.01.2017, in force from 20.01.2017, amended, issue 39 of 16.05.2017, in force from 16.05.2017, amended and supplemented, issue 34 of 20.04.2018, in force from 21.04.2018, amended, No. 70 of 24.08.2018, No. 5 of 15.01.2019, effective from 1.01.2019, No. 57 of 19.07.2019, No. 101 of 27.12.2019, in force from 27.12.2019, amended and supplemented, No. 72 of 14.08.2020, No. 36 of 13.05.2022, in force from 13.05.2022, issue 38 of 20.05.2022, issue 95 of 14.11.2023, amended, issue 106 of 22.12.2023, effective from 22.12.2023) is repealed.

PRIME MINISTER:

DIMITAR GLAVCHEV

GENERAL SECRETARY OF
THE COUNCIL OF MINISTERS:

GABRIELA KOZAREVA

GENERAL SECRETARY OF
THE MINISTRY OF JUSTICE:

NIKOLAY ZASHEV

DIRECTOR OF THE PRRBECHR DIRECTORATE
MINISTRY OF JUSTICE:

MILENA KOTSEVA

I, the undersigned Galya Petrova Peycheva in my capacity of official translator, hereby certify that the above instrument, consisting of 9 (nine) pages is a true and complete translation into English of the attached official document, originally composed in Bulgarian. In testimony thereof I have hereunto set my hand and affixed the official seal of the company.

Translator: Galya Petrova Peycheva

Translation from Bulgarian>

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MOTIVES

In 2022, the Ministry of Justice prepared a strategic plan for its development, in which it identified four main goals for strengthening the rule of law, protecting human rights and equal access to justice through effective management and organizational improvement. One of the goals is to achieve higher legal and institutional protection of citizens' rights, including through the prompt and effective implementation of the judgments of the European Court of Human Rights (ECtHR)¹.

The implementation of the decisions of the ECtHR is an international legal obligation of the Bulgarian state, undertaken on the basis of Art. 46 of the Convention for the Protection of Human Rights and Fundamental Freedoms. The issue of the effective implementation of decisions has gained particular importance in recent years, both due to international factors such as the reform of the ECtHR and the strengthening of the principle of subsidiarity, and due to the deteriorating situation of Bulgaria in this regard. Currently, our country is in one of the leading places in terms of the number of unimplemented decisions of the ECtHR, and this trend is deepening².

The present draft decree of the Council of Ministers was prepared on the basis of an analysis of the reasons for the ineffective implementation of the decisions of the ECtHR, commissioned under a project financed under the Norwegian Financial Mechanism. The analysis made a number of findings on the reasons for the ineffective implementation of the decisions of the ECtHR, two of which are worth highlighting.

First of all, Bulgaria lacks a regulatory framework for the process of implementing the decisions of the ECtHR, which would regulate in a regulatory act the competent authorities and procedure. The regulation regarding the powers of the competent executive body to coordinate the process (Minister of Justice) and the supporting specialized administration (Procedural Representation of the Republic of Bulgaria before the ECtHR Directorate) for the implementation of the decisions of the ECtHR is extremely insufficient. Finally, there is no norm that would strengthen the principle that the implementation of the decisions of the ECtHR is an obligation of the state in the person of the three authorities - legislative, executive and judicial.

¹ See the 2022-2024 Development Strategy of the Ministry of Justice - <https://mjs.bg/home/index/37cb114c-2d84-4ef8-b2ea-bd59fb484d4c>

² Bulgaria is in 7th place in terms of the number of unimplemented decisions (over 180 in number), followed by Russia, Ukraine, Romania, Turkey, Azerbaijan and Italy. In terms of the number of decisions whose implementation is delayed by more than 10 years, Bulgaria ranks 4th after Russia, Ukraine and Turkey.

Secondly, the analysis found serious shortcomings in the coordination and cooperation between the executive authorities in preparing common measures (legislative and other) for the implementation of decisions, as well as low expert capacity of employees in the various administrations of the executive authorities on human rights issues.

The analysis contains an in-depth comparative legal study of the situation in other member states of the Council of Europe and the European Union – Slovenia, Croatia, Poland, the Czech Republic and Greece, most of which, in response to the serious problems with the implementation of ECtHR decisions, have taken measures, including legally established procedures for implementation.

In view of the analysis made, it was concluded that the most optimal option, which also takes into account the national legal framework and practice, is to create a procedure within the executive branch, with the possibility of a consultative role for the other two branches and the participation of the Ombudsman, the non-governmental sector and the academic community. This procedure should ensure that the implementation measures will be identified and implemented in a coordinated manner by the competent authorities. In cases where there is a need to prepare legislative changes, they will be recognized by the relevant department/departments, prepared in coordination and submitted to the National Assembly through the main subject with legislative initiative – the Council of Ministers.

The procedure is regulated in a draft decree of the Council of Ministers as part of a national coordination mechanism for the implementation of ECtHR decisions. The National Coordination Mechanism includes the procedure for implementing decisions and the bodies responsible for this. It has a management and control level – a Council to the Council of Ministers within the meaning of Art. 21, para. 1 of the Administration Act and an operational level – an expert group of the Council. The relationship between the Council and the Expert Group is two-way. On the one hand, the Council consists of executive authorities (or independent ones such as the CPD), and the expert group – of employees appointed by them in the relevant administration. On the other hand, the secretariat at both levels is a directorate in the Ministry of Justice, which performs functions both in procedural representation before the ECtHR and specifically in the implementation of ECtHR decisions. The political and expert levels ensure flexible functioning of the mechanism, and the implementation of the procedures provided for therein.

The national coordination mechanism, in addition to the bodies specifically responsible for the implementation of the decisions, also includes the process of identifying, assigning and implementing general measures for the implementation of the decisions of the ECtHR - drafting draft laws, other regulatory acts, increasing knowledge of the Convention and the practice of the ECtHR, increasing the capacity of administrative officials on human rights issues, etc. With regard to individual measures, the draft decree contains provisions on the payment of compensation. The possibilities for resuming national proceedings are regulated in the relevant procedural laws. If a particularly sensitive issue arises regarding individual measures of implementation, the Council could consider it. (Art. 4, item 1).

The proposed bylaw contains three chapters.

The first chapter establishes the National Coordination Mechanism for the Implementation of the Decisions of the European Court of Human Rights, stating its objectives. A Council for the Implementation of the Decisions of the ECtHR is established, and its structure, members and powers are regulated. As indicated above, the Council is the governing body that provides guidelines for the priorities in the process of implementing the decisions. It has the authority to resolve issues regarding competence and approval of action plans when there is a dispute in the expert group. The Chairman of the Council is the Minister of Justice, and the Secretariat of the

Council is the Procedural Representation and Implementation of the Decisions of the ECtHR Directorate (now the Procedural Representation of the Republic of Bulgaria before the ECtHR Directorate) in the Ministry of Justice. The Council is composed of those executive bodies – ministers who are directly related to decisions that are currently in the process of implementation. According to Art. 6, para. 5 of the draft, the Chairman of the Council may invite representatives of other state bodies to participate without the right to vote. This will ensure that in the event of a decision requiring active action by a body that is not a member of the Council, that body will be invited and heard on the planned measures for implementation. The Ombudsman also participates in the work of the Council, but without the right to vote. Non-governmental organisations may participate in Council meetings without the right to vote. This is important in view of their specific expertise, which may be valuable in the process of implementing certain decisions, and in view of the fact that non-governmental organisations have an increasingly active role in the process of monitoring the implementation of decisions before the Committee of Ministers of the Council of Europe.

The Council shall establish an Expert Group on the Implementation of ECtHR Decisions with the aim of operationally implementing the Council's priorities and effectively implementing the measures for implementing decisions (Article 10(1)). The Expert Group shall consist of officials from the relevant administrations who shall be "human rights contact points" (Article 10(4)). These are employees who will have expertise in the field of fundamental rights, for which the relevant periodic training should be provided (Art. 8, para. 2).

The link between the political and expert levels is carried out by the Secretariat of the Council (Art. 12). The chairman of the expert group is the Director of the PPIRESHR Directorate. This is because this Directorate has the most direct observations and in-depth expert knowledge of human rights, the practice of the ECtHR and the process of implementing decisions. It is also in practice the connecting link between the bodies of the Council of Europe and the national authorities.

Chapter Two regulates the procedure for implementing measures to implement the judgments of the ECtHR that have entered into force in cases against the Republic of Bulgaria. A procedure has been established for determining the competent authority for the implementation of each decision, including in cases where no state authority recognizes competence to implement a given decision, the procedure for preparing and approving action plans and reporting on them.

Chapter Three of the draft regulates the procedure for the payment of amounts awarded by a decision of the ECtHR or agreed in friendly settlements concluded with the opposing party in cases before the ECtHR, or under unilateral declarations. The additional provisions introduce definitions of the expressions "individual measures" and "general measures" used in the decree for the implementation of the judgments of the ECtHR, since such are absent in national law at this stage, but are key for the understanding of the executive authorities of the implementation process.

The final provisions of the draft decree propose amendments to:

- Decree No. 26 of the Council of Ministers of 02.02.2004 on the procedural representation of the Republic of Bulgaria before the European Court of Human Rights – the amendments are proposed with the aim of combining the entire legal framework of the procedure for the implementation of the decisions of the ECtHR by the Republic of Bulgaria into a single act;
- In the Organizational Regulations of the Ministry of Justice – amendments are proposed with the aim of ensuring the new activity by increasing the number of employees in the Procedural Representation of the Republic of Bulgaria before the European Court of Human Rights Directorate, separating two departments within it (one responsible for the procedural representation of the state before the ECtHR, and the second responsible for the implementation of the decisions

of the ECtHR), and changing its name to the Procedural Representation and Implementation of the Decisions of the European Court of Human Rights Directorate;

- In the Organizational Regulations of the Ministry of Foreign Affairs –amendments are proposed in order to eliminate the established duplication of functions in proposing measures for the implementation of the decisions of the ECtHR between the Procedural Representation of the Republic of Bulgaria before the European Court of Human Rights Directorate in the Ministry of Justice and the Human Rights Directorate in the Ministry of Foreign Affairs.

In conclusion, it should be noted that the coordination mechanism regulated in the draft decree contains certain similarities with the one regulated by the Minister of Foreign Affairs (see Decree of the Council of Ministers on the Establishment of a National Coordination Mechanism for Human Rights). However, the differences between the two mechanisms are significant. The current draft regulates a mechanism for the implementation of the decisions of the ECtHR in fulfilment of international legal obligations of, and not recommendations to, the Republic of Bulgaria. The decisions of the ECtHR are mandatory, not recommendatory for implementation, and this is clearly stated in Art. 46 of the Convention. The Convention and the practice of the ECtHR establish a minimum standard for the implementation of decisions and are a mandatory basis on which the national legal system can build by implementing and integrating other supranational and international provisions and standards. Due to the mandatory nature of the practice of the ECtHR and the need for concrete and operational actions, the current coordination mechanism describes in detail the powers of not only the political body of the mechanism, but also the expert one, in order to ensure the efficiency and continuity of the process of implementing decisions. In light of this, the proposed national coordination mechanism has the potential to fulfil its objectives and significantly improve the protection of the fundamental rights of Bulgarian citizens, considering the public interest, as well as to increase the authority of our country on the international stage.

I, the undersigned Galya Petrova Peycheva in my capacity of official translator, hereby certify that the above instrument, consisting of 4 (four) pages is a true and complete translation into English of the attached official document, originally composed in Bulgarian. In testimony thereof I have hereunto set my hand and affixed the official seal of the company.

Translator: Galya Petrova Peycheva