

**REPORT ON THE IMPLEMENTATION OF THE MEASURES INCLUDED IN THE ROADMAP FOR THE IMPLEMENTATION OF
THE NATIONAL STRATEGY FOR PREVENTION AND COUNTERACTION OF CORRUPTION IN THE REPUBLIC OF
BULGARIA 2021 – 2027**

FOR THE PERIOD MARCH 2021 – DECEMBER 2022

INFORMATION WITHIN THE COMPETENCE OF THE “CO” DIRECTORATE UNDER ITEM 22 OF THE MAIN TABLE

Measures	Actions to implement the measure	Deadline	Implementation	Responsible/ participating institution
PRIORITY 1.				
STRENGTHENING CAPACITY AND INCREASING TRANSPARENCY IN THE WORK OF ANTI-CORRUPTION BODIES AND UNITS				
Measure 4. Strengthening the capacity of the Inspectorate at the Supreme Judicial Council on preventing and countering corruption among those employed in the judiciary	<i>1. Preparation of a draft Law amending and supplementing the Judiciary Act, incorporating the ISJC's proposals for amendments on integrity checks, disciplinary liability of magistrates, establishment of a system of deontological prevention, the asset and interest declarations under Section Ia of Chapter nine on the “Status of Judges, Prosecutors and Investigators” of the JA, as well as on the status of the Inspectorate and inspectors in the judicial system.</i> <i>2. Establishment of a working group with representatives of the ISJC, SJC, the MoJ and the NCACP to discuss the need to include other activities for prevention of corruption of the employees in the</i>	July 01, 2021	For the implementation of the recommendations to achieve progress on the legislative amendments aimed at improving the functioning of the Inspectorate of the Supreme Judicial Council (ISJC) and avoiding the risk of political influence, in particular by involving the judicial authorities in the selection of its members and to undertake steps to adapt the composition of the Supreme Judicial Council, taking into account the European standards for judicial councils, addressed with the third Annual Report on the Rule of Law, there is a possible need to amend the Constitution of the Republic of Bulgaria. According to Art. 132a (2) and (3) of the Constitution of the Republic of Bulgaria, the Inspector General and the inspectors shall be elected by the National Assembly by a two-thirds majority of the Members of the National Assembly for a period of five years, respectively. The proposal to stipulate a procedure in the Judiciary Act (JA) for nominating candidates as Inspector General and inspectors from the judicial authorities could not bind the MPs. In case the National Assembly is obliged to choose the ISJC composition from the nominations made, that is, to act under the conditions of bound competence, this would be inconsistent with the constitutional text. In case the National Assembly has no obligation to comply with the nominations made, this would render meaningless the human and financial resources for holding the general assemblies of the judges, prosecutors and investigators necessary for the announcement of nominations under Chapter two, Section I "a" of JA.	<i>1. MJ; ISJC; Representative s of nationally represented employers' organizations</i> <i>2. ISJC; SJC; MJ;</i>

	<i>judiciary and, if necessary, make proposals for current strategy updating</i>	<i>January 01, 2023</i>	In order to provide for a mechanism under which the Members of the National Assembly are bound to make a choice for the composition of the ISJC from the nominations proposed, it is necessary to propose an amendment to the Constitution. The European Commission has highlighted existing concerns about the political influence and functioning of the ISJC. The procedure for nomination of the ISJC composition, which is elected by the National Assembly, is considered. The ISJC works under the terms of an expired mandate since February 2020 (regarding the inspectors) and since April 2020 (regarding the Inspector General). By Decision No. 12 of 27 September 2022 in constitutional case No. 7/2022 the Constitutional Court of the Republic of Bulgaria ruled that with the expiration of the term for which they have been elected, the Inspector General and the inspectors in the Inspectorate at the Supreme Judicial Council perform their functions until new Inspector General, respectively inspectors are elected by the National Assembly. It is constitutionally inadmissible to automatically suspend for an indefinite period the activities of the Inspectorate at the Supreme Judicial Council due to the expiration of the powers of the Inspector General and the inspectors and the failure of the National Assembly to elect a new composition of the Inspectorate, ensuring its functioning in accordance with the constitutional prescriptions. The discretionary power of the Parliament is limited and the opposite undermines the democratic order under the rule of law, which is constitutionally established by the will of the sovereign as an element of the Basic Law fundamental structure.	<i>NCACP</i>
PRIORITY 2. COMBATING CORRUPTION CRIMES				
Measure 1. Improving criminal legislation in the field of corruption crimes	<i>Discussion of the weaknesses in the criminal legislation and, if necessary, preparation of a draft law for amendment</i>	<i>January 01, 2023</i>	By order of the Minister of Justice, a working group has been set up with the task of preparing legislative amendments in connection with the recommendations of the Phase 4 report on the Republic of Bulgaria of the working Group on Bribery in International Business Transactions at the Organization	<i>MJ; NARB; SCC; Bar association;</i>

	<i>and supplement of the Penal Code</i>		for Economic Cooperation and Development, as well as other international organizations. The task of the working group is to prepare legislative proposals for the regulation of bribery of foreign officials. A topic that follows from the approved Action Plan for limiting the risks of money laundering and terrorist financing, item 41, will be introduced for discussion with the work of the working group. By CM Decision № 672 of 17.09.2021 an Action plan is approved to limit the risks of money laundering and terrorist financing, according to which, under item. 41 of the plan, Bulgaria should review its national legislation on corruption and, in particular, assess the need to introduce incentive conscientious procedural rules. The work of the working group is currently ongoing. A reference for a preliminary ruling from the Regional Court of Burgas was made to the Court of Justice of the European Union. In view of the EUCJ decision, it was necessary to examine its reasoning in detail and to revise the legislative proposal drawn up so far in the working group.	<i>Academic community; Nationally represented employers' organizations</i>
Measure 2. Analysis of the criminal procedural legislation and undertaking, if necessary, a legislative initiative to limit formalism in the criminal process	<i>Analysis of the criminal procedural legislation and, if necessary, preparation of a draft law for amendment and supplement of the CPC</i>	<i>January 01, 2023</i>	By Minister of Justice's order, an interdepartmental working group for amendment of the CPC has been formed, in connection with the implementation of ECtHR judgments against Bulgaria by groups of decisions C.O./Kolevi against Bulgaria and Velikova against Bulgaria and in the implementation of measures for reforms in the criminal process set out in the Recovery and Resilience Plan. The specified measures envisage the introduction of judicial control over the prosecutor's decision to refuse to initiate criminal proceedings, increasing the effectiveness of the judicial phase in the criminal process, introducing an effective mechanism for attributing the Prosecutor General and his deputies of liability by creating guarantees for practical, institutional and hierarchical independence of the investigation against them and increased accountability of the Prosecutor General. The measures to increase the efficiency of criminal proceedings, included in the National Plan, which also cover those in the execution of convictions, include, in addition to judicial control over the prosecutor's rulings on refusal to initiate pre-trial proceedings, also a reduction of formalism	<i>MJ; NARB; SCC; MoI; Bar association; Academic community; Professional associations of judges, prosecutors and investigators; Non-governmental organizations active in the field of justice</i>

			in the judicial phase, including returns of cases in the pre-trial phase, introduction of the victim's right to request acceleration of criminal proceedings before charges are brought, introduction of clear prerequisites and admissible hypotheses for the resumption of criminal proceedings at the request of the Prosecutor General, etc. The Ministry of Justice drafted and published for public consultations (on 5 December 2022) a draft law amending and supplementing the Criminal Procedure Code, which proposes a framework for the establishment of a mechanism for engaging the criminal liability of the Prosecutor General. Relevant to the recommendation is also the proposal for amendment to Art. 16 of the Judiciary Act in the sense that the National Assembly does not elect active prosecutors, investigators and judges as members of the SJC. By excluding the representatives of the Prosecutor's Office and the investigation, as well as the judges, from the quota of the National Assembly in the SJC will be achieved better public representation and participation of lawyers from the non-governmental sector, bar association, academic community, etc. This will also lead to a fairer administration of the judiciary, avoiding the risk of its encapsulation and, above all, reducing the actual influence of the Prosecutor General in the SJC. The project is consulted by the Venice Commission, which adopted an opinion (document CDL(2022)022 of 24.10.2022) at its 132-nd plenary session (21-22 October 2022). The measure is also stipulated in the National Recovery and Resilience Plan and represents a guarantee of effectiveness of the mechanism of attributing the Prosecutor General and his deputies of liability.	
Measure 3. Assessment of the impact of the amendments to the Criminal Procedure Code concerning the change of suability of cases for crimes committed by persons holding senior	<i>Assessment of the impact of the amendments to the Criminal Procedure Code concerning the change of suability of cases for crimes committed by persons holding senior public positions</i>	January 01, 2023	An amendment to the measure is proposed. The same is aimed at an analysis related to the specialized courts, under the legislation before the amendments made to the JA and the CPC (prom., SG, № 32 of 2022) and the specialized justice closure. In order to analyze the new legislation, a period of time is necessary.	<i>MJ, with the participation of representative s of SCC SCPO, the specialized</i>

public positions				courts and prosecutor's offices
PRIORITY 3. STRENGTHENING THE CAPACITY AND IMPROVING THE WORK OF THE BODIES ENTRUSTED WITH CONTROL AND SANCTION POWERS IN THE ADMINISTRATION				
PRIORITY 4. INCREASE TRANSPARENCY AND ACCOUNTABILITY OF LOCAL AUTHORITIES				
PRIORITY 5. THE EXEMPT OF CITIZENS FROM "PETTY CORRUPTION."				
Measure 1. Improving the rules and procedures for the verification of asset and interest declarations by strengthening the capacity of the authorities, entrusted with functions for verification of the asset and interest declarations of the persons under § 2 of the CCUAAFA's SP and providing a toolkit for effective and complete verification of the asset and interest declarations of the persons under § 2 of the CCUAAFA ¹	2. Preparation of proposals for amendment and supplement of the CCUAAFA and the specific legislation, in view of the possibility for the selection and appointment authorities, within the meaning of § 2 of the CCUAAFA's TFP, to gain access to banking, tax, social security and insurance information for the persons under inspection in the presence of additional and proven prerequisites – increased corruption risk, established discrepancy between	January 01, 2023	The measure is under implementation	NCACP Secretariat; MJ; CM Chief Inspectorate – participation by representatives in working groups

¹ The Ministry of Justice has prepared a bill to counter corruption among persons holding senior public positions, proposing different from the previously established ways of forming the composition of the Counter Corruption Commission (CCC) as a collegiate body. In order to ensure its functional independence, it is envisaged that two of its members will be elected by the Parliament, one appointed by the President of the Republic, and one elected by the General Assembly of Judges of the Supreme Court of Cassation, accordingly, at the General Assembly of the judges of the Supreme Administrative Court. In order to ensure a transparent procedure for members of the quotas of the General Assemblies of the Supreme Court of Cassation and the Supreme Administrative Court, it is envisaged that the election of the two members of the commission of these quotas will be carried out under rules adopted by the general assemblies of the two supreme courts.

It is envisaged to chair the Commission on a rotating basis for one year, with the chairperson being determined by lot.

	<i>declared and owned property, etc.</i>			
	<i>5. 1. Review of the administrative and penal provisions of the CCUAAFA and the practice of their implementation</i>	January 01, 2022	The measure is under implementation An extension is proposed until January 2023.	<i>CM Chief Inspectorate; CACIAF</i>
	<i>5. 2. In case of established necessity under measure 5.1. improving and supplementing the administrative-penal constitution and reassessing the sanctions stipulated for their implementation</i>	January 01, 2023	The measure is under implementation.	<i>MJ; CM Chief Inspectorate; CACIAF</i>
PRIORITY 6.				
CREATING AN ENVIRONMENT OF PUBLIC INTOLERANCE TO CORRUPTION				
Measure 1. Improvement of the reporting regulation	<i>1. Analysis of the compliance of national legislation with the provisions of Directive</i>	<i>June 01, 2021</i>	A draft law on the Protection of Persons Who File Alerts or Publicly Disclose Information on Violations has been prepared and approved by the Council of Ministers by Decision № 709 of September 29, 2022. The draft law was	<i>MJ; MLSP</i>

A public procedure shall be established in the election of members from the National Assembly with wide participation of non-governmental organizations, the Supreme Bar Council, higher schools and scientific organizations in the procedure. Such a public mechanism is also envisaged when the President of the Republic appoints a Commission member.

Moreover, the five-year term of office, without the possibility of renewal, and the exhaustively listed grounds for termination of the powers of the members of the Commission, without the possibility of subjective assessment, are also additional guarantees for the independence of that collegiate body.

To ensure the independence and autonomy of investigative inspectors, the draft law stipulates several guarantees:

- It is envisaged that their legal relations will arise, respectively, will be terminated not by the Chairperson of the Commission, but by a decision of the Commission as a collegial body.

- Investigating inspectors shall not be allowed to be assigned other activities outside the criminal investigation activity.

- In exercising their powers, they make decisions based on an internal conviction based on an objective, comprehensive and complete examination of all the circumstances of the case, as being guided by the law.

- The top executives are not allowed to give instructions for the conduct of investigative actions, or in any other way interfere with the investigation.

- It is envisaged lawyers with at least 10 years of legal experience to be appointed as investigating inspectors. Their appointment, as well as that of the staff performing the operational and search activity, is to be implemented after a competition and successfully passing an integrity check, and both categories of employees should also meet certain requirements for incompatibility with the service.

The draft Law on Countering Corruption among persons holding senior public positions was submitted to the 48 National Assembly with a signature reg. № 48-202-01-27 of 01.11.2022 and it was adopted by the National Assembly at first reading in the plenary hall.

	<i>(EU) 2019/1937 on the protection of persons reporting on breaches of Union law</i>		submitted for consideration in the National Assembly and was adopted on the first vote by the Commission on legal issues, Commission on Prevention and Combating Corruption and Commission on Economic and Social Policy. On 14.12.2022 the draft law on the Protection of Persons Who File Alerts or Publicly Disclose Information on Violations was rejected in the plenary hall of the National Assembly at first voting.	
	<i>2. Transposition of Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons reporting on breaches of Union law</i>	<i>January 01, 2022</i>	A draft law on the Protection of Persons Who File Alerts or Publicly Disclose Information on Violations has been prepared and approved by the Council of Ministers by Decision № 709 of September 29, 2022. The draft law was submitted for consideration in the National Assembly and was adopted on the first vote by the Commission on legal issues, Commission on Prevention and Combating Corruption and Commission on Economic and Social Policy. On 14.12.2022 the draft law on the Protection of Persons Who File Alerts or Publicly Disclose Information on Violations was rejected in the plenary hall of the National Assembly at first voting.	<i>MJ; MLSP; CACIAF</i>
Measure 4. Study of good practices, develop and discuss the concept and propose legislative measures for settlement of lobbying activities in the Republic of Bulgaria	<i>Study of good practices, develop and discuss the concept and propose legislative measures for settlement of lobbying activities in the Republic of Bulgaria in relation to national and local authorities, in the legislative and executive authorities</i>	<i>January 01, 2023</i>	By order № LS-13-102/16.09.2022 of the minister of justice, a working group has been set up in order to implement commitments arising from: 1. The plan to implement measures in response to the recommendations and the challenges identified in the European Commission report of 30 September 2020 on the rule of law in 2020 (Approved by Decision of the Council of Ministers № 806 of 6 November 2020); 2. The National Recovery and Resilience Plan of the Republic of Bulgaria (approved by Decision of the Council of Ministers № 203 of 7 April 2022), with December 2023 being the deadline for implementation The work group is to examine European best practices and to draw up a concept of lobbying regulation in line with EC recommendations and standards and Recommendation CM/Rec (2017)2 of the Committee of Ministers of the Council of Europe to the Member States on the legal framework of lobbying activities in the context of public making decisions as well as to prepare legislative proposals	<i>MJ; NCACP</i>

			to regulate lobbying activities taking into account good practices and international standards in this field.	
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