

# 2024 Rule of Law Report - targeted stakeholder consultation

Fields marked with \* are mandatory.

## Introduction

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The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, four editions of the Rule of Law Report have been published in 2020, 2021, 2022 and 2023.

The Commission would like to invite stakeholders to provide contributions to the 2024 Rule of Law Report. This survey provides information on the type of information and topics that will be covered in the 2024 Rule of Law Report, in order to allow stakeholders to provide input. More targeted input may be requested at a later stage of preparation of the 2024 Rule of Law Report, including in the context of country visits, or bilateral contacts.

The 2024 Rule of Law Report will continue to deepen the assessment under the existing four pillars, and will also follow-up on the implementation of the recommendations to Member States, that were issued as part of the 2023 Rule of Law Report. The contribution to be provided should include **(1) information on measures taken to implement the recommendations addressed to the Member State in the 2023 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and (2) any other significant developments since January 2023<sup>[1]</sup> falling under the ‘type of information’ outlined in section II.**

The input should consist of a short summary, if possible in English, covering the areas referred to below. Legislation or other documents may be referenced with a link. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

[1] Unless the information was already submitted in the input for the previous Rule of Law Reports.

## Type of information

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The topics are structured according to four pillars: I. Justice system; II. Anti-corruption framework; III. Media pluralism; and IV. Other institutional issues related to checks and balances. The replies could include aspects set out below under each pillar. This can include challenges, current work streams, positive developments and best practices:

## **A) Legislative developments**

- Newly adopted legislation
- Legislative drafts currently discussed in Parliament
- Legislative plans envisaged by the Government

## **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 organisations
- Important administrative measures
- Generalised practices

## **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, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, heads of independent authorities included in the scope of the questionnaire[2])

## **D) Any other relevant developments**

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

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable.

If there are no changes, it is sufficient to indicate this and the information covered in the contributions for the previous Rule of Law Reports should not be repeated.

[2] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

## **About you**

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\* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☒ Civil society organisation/NGO

- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☐ Public authority or network of public authorities
- ☐ Other

\* Organisation name

*250 character(s) maximum*

Center for the Study of Democracy

Main Areas of Work

- ☒ Justice System
- ☒ Anti-corruption
- ☐ Media Pluralism
- ☐ Other

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

*500 character(s) maximum*

<https://csd.bg/>

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

\* Country of origin

Please add the country of origin of your organisation

- ☐ Afghanistan
- ☐ Albania
- ☐ Algeria
- ☐ Andorra
- ☐ Angola
- ☐ Antigua and Barbuda
- ☐ Argentina
- ☐ Armenia
- ☐ Australia
- ☐ Austria
- ☐ Azerbaijan
- ☐ Bahamas
- ☐ Bahrain
- ☐ Bangladesh
- ☐ Barbados

- ☐ Belarus
- ☐ Belgium
- ☐ Belize
- ☐ Benin
- ☐ Bhutan
- ☐ Bolivia
- ☐ Bosnia and Herzegovina
- ☐ Botswana
- ☐ Brazil
- ☐ Brunei Darussalam
- ☒ Bulgaria
- ☐ Burkina Faso
- ☐ Burundi
- ☐ Cabo Verde
- ☐ Cambodia
- ☐ Cameroon
- ☐ Canada
- ☐ Central African Republic
- ☐ Chad
- ☐ Chile
- ☐ China
- ☐ Colombia
- ☐ Comoros
- ☐ Congo
- ☐ Costa Rica
- ☐ Côte D'Ivoire
- ☐ Croatia
- ☐ Cuba
- ☐ Cyprus
- ☐ Czechia
- ☐ Democratic Republic of the Congo
- ☐ Denmark
- ☐ Djibouti
- ☐ Dominica
- ☐ Dominican Republic
- ☐ Ecuador
- ☐ Egypt
- ☐ El Salvador
- ☐ Equatorial Guinea
- ☐ Eritrea
- ☐ Estonia
- ☐ Eswatini
- ☐ Ethiopia
- ☐ Fiji
- ☐ Finland
- ☐ France
- ☐ Gabon

- ☐ Gambia
- ☐ Georgia
- ☐ Germany
- ☐ Ghana
- ☐ Greece
- ☐ Grenada
- ☐ Guatemala
- ☐ Guinea
- ☐ Guinea Bissau
- ☐ Guyana
- ☐ Haiti
- ☐ Honduras
- ☐ Hungary
- ☐ Iceland
- ☐ India
- ☐ Indonesia
- ☐ Iran
- ☐ Iraq
- ☐ Ireland
- ☐ Israel
- ☐ Italy
- ☐ Jamaica
- ☐ Japan
- ☐ Jordan
- ☐ Kazakhstan
- ☐ Kenya
- ☐ Kiribati
- ☐ Kuwait
- ☐ Kyrgyzstan
- ☐ Laos
- ☐ Latvia
- ☐ Lebanon
- ☐ Lesotho
- ☐ Liberia
- ☐ Libya
- ☐ Liechtenstein
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Madagascar
- ☐ Malawi
- ☐ Malaysia
- ☐ Maldives
- ☐ Mali
- ☐ Malta
- ☐ Marshall Islands
- ☐ Mauritania
- ☐ Mauritius

- ☐ Mexico
- ☐ Micronesia
- ☐ Monaco
- ☐ Mongolia
- ☐ Montenegro
- ☐ Morocco
- ☐ Mozambique
- ☐ Myanmar
- ☐ Namibia
- ☐ Nauru
- ☐ Nepal
- ☐ Netherlands
- ☐ New Zealand
- ☐ Nicaragua
- ☐ Niger
- ☐ Nigeria
- ☐ North Korea
- ☐ North Macedonia
- ☐ Norway
- ☐ Oman
- ☐ Pakistan
- ☐ Palau
- ☐ Panama
- ☐ Papua New Guinea
- ☐ Paraguay
- ☐ Peru
- ☐ Philippines
- ☐ Poland
- ☐ Portugal
- ☐ Qatar
- ☐ Republic of Moldova
- ☐ Romania
- ☐ Russian Federation
- ☐ Rwanda
- ☐ Saint Kitts and Nevis
- ☐ Saint Lucia
- ☐ Saint Vincent and the Grenadines
- ☐ Samoa
- ☐ San Marino
- ☐ Sao Tome and Principe
- ☐ Saudi Arabia
- ☐ Senegal
- ☐ Serbia
- ☐ Seychelles
- ☐ Sierra Leone
- ☐ Singapore
- ☐ Slovakia

- ☐ Slovenia
- ☐ Solomon Islands
- ☐ Somalia
- ☐ South Africa
- ☐ South Korea
- ☐ South Sudan
- ☐ Spain
- ☐ Sri Lanka
- ☐ Sudan
- ☐ Suriname
- ☐ Sweden
- ☐ Switzerland
- ☐ Syrian Arab Republic
- ☐ Tajikistan
- ☐ Tanzania
- ☐ Thailand
- ☐ Timor-Leste
- ☐ Togo
- ☐ Tonga
- ☐ Trinidad and Tobago
- ☐ Tunisia
- ☐ Turkey
- ☐ Turkmenistan
- ☐ Tuvalu
- ☐ Uganda
- ☐ Ukraine
- ☐ United Arab Emirates
- ☐ United Kingdom
- ☐ United States of America
- ☐ Uruguay
- ☐ Uzbekistan
- ☐ Vanuatu
- ☐ Venezuela
- ☐ Viet Nam
- ☐ Yemen
- ☐ Zambia
- ☐ Zimbabwe

First name

Kristina

Surname

Tsabala

Email Address of the organisation (this information will not be published)

\* Publication of your contribution and privacy settings

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☐ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☒ Public - Your personal details (name, organisation name, transparency register number, country of origin) will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2024 rule of law report.pdf](#)

## Questions on horizontal developments

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In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[List of topics 2024 RoL Report.pdf](#)

Please provide any relevant information on horizontal developments here

*5000 character(s) maximum*



Regarding the asset declaration regulations in Bulgaria, Croatia, Hungary and Romania, a comparative analysis on the respective legislation has shown a number of common shortcomings:

- The checking procedure only verifies the reported information but not whether there are undeclared assets.
- The checking institutions have no capacity to check assets in foreign countries.
- There is a limited scope of assets that should be declared. For example, the persons holding high public positions must disclose only their majority shares in any company but not the assets held in these businesses.
- The list of assets that should be declared is limited allowing certain types of assets to be omitted.
- The asset declarations include 'personal assessment' of the value for immovable and movable property and flexible description and/or classification of assets, allowing the misreporting of assets.
- Only the immediate family (spouses or cohabitants) are checked, despite that there is no legal obligation of this immediate family to share knowledge about its assets to its closed ones.
- The relevant checking authorities do not compare the data from the asset declarations with other public registers. There is no centralized databases or cross-checks within them regarding assets and their legal classifications, and descriptions.
- The checking authorities do not investigate how someone obtained property before taking office. There is no comprehensive background check regarding the possessions of the person before taking office.
- Asset declarations are removed from public registers shortly after the end of the public servant's term in office, which hinders further investigation, including by the media and the civil society.
- Lack of machine-readable and downloadable in bulk public databases of asset declarations.
- Lack of escalation in sanctioning which allows the violation of the law over and over again without significant repercussions.

Recommendations:

- There is a need of inter-connecting all national registers which should be implemented in two stages:
  - 1) First, the primary (basic) registers should be connected with each other: physical persons register (including civil status and family members), business (legal entities) register, and the property register.
  - 2) Second, all remaining registers should be joined one by one – tax, social security, land register, motor vehicles register, stocks and securities, patents and licenses registry, customs, court registries, party finance database, etc. If possible, databases of professional bodies and bank accounts should also be included or a procedure for information requests should be established. Based on data from all (inter-connected) public registers, the governments supported by the civil society, are recommended to elaborate electronic platforms for detecting corruption risks and patterns of abuses. Such platforms could benefit from the red-flags and indicators.

The next and final step would be to enforce the International Treaty on Exchange of Data for the Verification of Asset Declarations. Checks should be based on:

- a) a random sample undergoing detailed check / audit (e.g. 5% or 10% of the civil servants in a public body);
  - b) checks of priority/risk groups;
  - c) checks triggered by anonymous signals from third parties (whistle-blowers, CSOs, media articles, etc.).
- Increasing sanctions and penalties for non-submission for asset and conflict of interest declarations.
  - Greater transparency can be achieved by informing citizens adequately and promptly about changes in public procurement legislation. Furthermore, transparency should be promoted by the procurement authorities, including increase of data availability about all types of procedures and all calls for tender on e-procurement websites. This process could be facilitated by the introduction of e-procurement data collection, collecting more comprehensive data by methods such as lowering reporting thresholds (based on overall contract price) and making public data more readily accessible for societal actors (e.g. bulk download option of all data). In addition, urgent procedures should have stricter ex-post reporting requirements.
  - It is also crucial to improve oversight of public procurement at the local level, including review of anti-competitive tendering terms, in order to constrain the strategic use of public procurement as a means to reward political actors for their loyalty.

## Questions for contribution

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The following four pillars (I.-IV.) are sub-divided into topics (A., B., etc.) and sub-topics (1., 2., 3., etc.). For each of the topics and sub-topics, you are invited to provide (1) information on measures taken to implement the recommendations addressed to the Member State in the 2023 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2023 Rule of Law Report and (2) any other significant developments since January 2023<sup>[3]</sup>. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). Significant developments can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

If there are developments you consider relevant under each of the four pillars that are not mentioned in the sub-topics, please add them under the section "other - please specify". Only significant developments should be covered.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

[3] Unless already covered in the input for the previous Rule of Law Reports.

Member State covered in contribution [only one choice possible]

**If you wish to submit information concerning several Member States, please fill in the questionnaire separately for each Member State. There is no limit to the number of contributions submitted by a single participant.**

- ☐ Austria
- ☐ Belgium
- ☒ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Netherlands

- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

## I. Justice System

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Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the justice system (if applicable)

*5000 character(s) maximum*

### A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

*(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)*

*5000 character(s) maximum*

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

*5000 character(s) maximum*

Promotion of judges and prosecutors (incl. judicial review)

*5000 character(s) maximum*

Allocation of cases in courts

*5000 character(s) maximum*

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

*5000 character(s) maximum*

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

5000 character(s) maximum

Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

5000 character(s) maximum

Independence/autonomy of the prosecution service

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

## B. Quality of justice

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

*2)*

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

5000 character(s) maximum

Resources of the judiciary (human/financial/material)

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

5000 character(s) maximum

Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

5000 character(s) maximum

Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, procedural rules, access to judgments online

5000 character(s) maximum

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)

5000 character(s) maximum

Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialization, in particular specific courts or chambers within courts to deal with fraud and corruption cases

5000 character(s) maximum

## C. Efficiency of the justice system

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

Length of proceedings

5000 character(s) maximum

Other - please specify

5000 character(s) maximum

## II. Anti-Corruption Framework

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

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the anti-corruption framework (if applicable)

The Bulgarian Parliament enacted reforms on the Commission for Anti-Corruption and Illegal Assets Forfeiture (CACIAF), in force from since 6 October 2023. CACIAF was divided into an Anti-Corruption Commission (ACC) and a Commission for Illegal Assets Forfeiture (CIAF). In order to address the RoL recommendations, the reform included changes to ACC members' appointment procedure. The members will be elected and evaluated by a nomination committee, which will consist of five experts proposed by the Supreme Court of Cassation, the Supreme Bar Council, the Ministry of Justice, the Ombudsman and the Court of Auditors. Members of ACC can also be proposed by MPs and NGOs. The three selected members will lead the Anti-Corruption Commission on a rotating basis for two years each within a six-year mandate. Notably, the ACC gains the right to appeal the Prosecutors' Office decisions to not open a case. However, this appeal procedure is not clearly defined in the law and will be further discussed throughout the work of the commission.

As of the present moment, the CACIAF and its successors remain largely dysfunctional, after the last elected chair of the Commission resigned in the beginning of 2022. Challenges in electing a new chairperson led to Anton Slavchev, the former Vice-Chairperson, serving as 'acting chair' since March 2022, although a court ruling states that his role in that position has been limited to oversight since March 2022. Thus, his executive decisions are deemed illegitimate. The civic confiscation regime is stipulated in the Illegal Assets Forfeiture Act following the division of the previous Anti-Corruption and Illegal Assets Forfeiture Act. Still, none of the recommendations provided by the European Court on Human Rights have been addressed yet. The ECHR ruled against Bulgaria for the third time regarding the implementation of the civil confiscation regime which is deemed 'inquisitorial'. In the case of Yordanov and Others v. Bulgaria the ECHR ruling states that the prosecuted de facto do not have the right to defend themselves and that the forfeiture proceedings does not require to show a link between a criminal activity and the possession of assets. There are ongoing shortcomings with the existing legislation concerning the lack of a methodology for ascertaining significant disparity between the declared and the real income, the vagueness of legal definitions such as 'unexplained wealth' and 'illegally acquired assets', which allow for the purposeful prosecution of a legal person or the purposeful closing of a case. It is expected that the draft laws will be submitted in due time but it is not expected that these shortcomings will be addressed.

A mechanism for accountability of the prosecutor general was introduced according to which the decision of the prosecutor general to not open an investigation of a serious crime is subject to a judicial review. The Judicial System Act was also amended in such a way that the SJC can vote the dismissal of the Prosecutor General with a simple majority instead of a qualified one. In other words, 13 votes out of 25 are necessary to dismiss the appointment. The amendment was adopted on 26 May 2023. The Committee of Ministers at the Council of Europe and the Venice Commission approved of these measures as necessary to meet the recommendations from ECHR in the case of Kolevi vs. Bulgaria. The investigation of the Prosecutor General was also made possible with the introduction of a measure for criminal liability adopted on 26 May 2023, allowing a randomly selected judge to be appointed to investigate the signals. Currently, an ad-hoc prosecutor has been appointed to investigate the current Prosecutor General Borislav Sarafov based on two signals, which were submitted against him (one of them is regarding his involvement in the infamous 'eight dwarfs' case for trade of influence and abuse of office). Another signal was also submitted based on media allegations for illegal possessions of properties. The appointed prosecutor expressed concerns publicly that her independence might be jeopardized due to her position being very close to the Prosecutor General. The Protection of Persons Reporting or Publicly Disclosing Information on Breaches Act (the Whistleblowing Act, or the Act) adopts the minimum standards of the EU Whistleblowing Directive to protect persons reporting breaches of EU law. The law came into force on 4 May 2023 and the provisions establishing obligations for the employers in the private sector having between 50 and 249 employees are applicable since 17 December 2023. No real implementation has taken place and no real results were yielded. A working group for public consultations on law on lobbyism was formed and had three meetings. The concept of the draft law was put for open consultation. Currently, the Ministry of Justice is revising the statements.

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

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

*5000 character(s) maximum*

The Commission for Anti-Corruption and Illegal Assets Forfeiture was reformed after the recommendations of the previous Rule of Law Reports and the National Recovery and Resilience Plan. The Commission is now divided into two separate bodies – Anti-Corruption Commission (ACC) and Commission for Illegal Assets Forfeiture (CIAF). The reform was created without an assessment of how many corruption offences were revealed by the CACIAF. According to the legal reforms, the three members of the Commission will be appointed with a qualified majority in Parliament. The members will be elected and evaluated by a nomination committee, which will consist of five people proposed by the Supreme Court of Cassation, the Supreme Bar Council, the Ministry of Justice, the Ombudsman and the Court of Auditors. Members of the Anti-Corruption Commission can also be proposed by MPs or NGOs. The three members will lead the Commission on a rotating basis for two years within the six-year mandate. The Parliament decided to elect the members three months after the legislation is enforced, i.e. in January 2024. The rotational presidency is a revolutionary novel type of administrative management for the Bulgarian institutional framework and it is yet still unclear whether this will improve the concerns about the independence of the Commission raised in all previous Rule of Law Reports. Another important reform is that the Anti-Corruption Commission has the right to appeal the decisions of the Prosecutors' Office to not open a case based on a signal by the Commission. The procedure for appeal, however, is not stipulated in the Criminal Procedure Code, which effectively renders this provision non-existent. The ACC is also entrusted with more and stronger investigative functions (the previous form of the Commission conducted simple checks and not investigations), operational and search activities. Until a separate bill on CIAF is approved, the current members of the Commission will continue to work as usual and will remain responsible for confiscating assets. According to a statement by GERB representatives, the CIAF will have a similar leadership structure of three members on rotation. It is impossible to assess the operational capacity as of the beginning of 2024. It is unclear how the capacity and coordination of the new investigatory powers will be applied. However, it is only the Anti-Corruption legal framework that has been changed, other issues such as the ambiguously regulated civic confiscation regime and the lack of respect for the presumption for innocence remain unaddressed. The regime is complicated in the procedures for freezing and subsequent confiscation based on the presumption for illegal acquisition; freezing and subsequent confiscation based on discrepancy in the declaration of a person's assets without a prior criminal conviction; the lack of guarantees to the accused or investigated persons so that the presumption of innocence is upheld; the unclear methodology or mechanism for assessment of the presumption for illegal acquisition of assets, etc. The lack of such clarifications regarding such issues and human rights guarantees makes the legislation difficult to enforce. There are continuous issues with the existing legislation concerning the lack of a methodology for ascertaining significant disparity between the declared and the real income, the vagueness of legal definitions such as 'unexplained wealth' and 'illegally acquired assets'. Additionally, anonymous signals for corruption are not allowed to be received.

The lack of accountability and low public trust in the Bulgarian Prosecution Office and the Prosecutor General persist as a significant source of apprehension. The removal of Prosecutor General Ivan Geshev by the Supreme Judicial Council (SJC) in June 2023 for undermining the judicial system's prestige was politically charged. Additionally, despite the introduction of long-awaited criminal liability and accountability reforms for the Prosecutor General, concerns remain about the integrity and accountability of his successor, Borislav Sarafov, as well as the general independence and functioning of the prosecution office. Sarafov is investigated by an ad-hoc prosecutor in relation to two submitted signals against him for alleged participation in corruption schemes. The investigation of Sarafov was made possible through amendments to the Criminal Procedure Code, which allowed for an ad-hoc prosecutor to be appointed and to investigate the Prosecutor General. As part of the judicial reforms, the Supreme Judicial Act now allows the decisions of the Prosecutor General to be subjected to a judicial review. These reforms were endorsed by the Committee of Ministers at the Council of Europe and the Venice Commission, and are in alignment with recommendations from the European Court of Human Rights in the case of Kolevi vs. Bulgaria.



## Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

*5000 character(s) maximum*

The functional independence of these authorities is de facto non-existent. The Anti-Corruption Commission is staffed with people who were previously employed in the Bulgarian Prosecutor's Offices and the State Agency National Security, which creates a challenge in the independent functioning of these three institutions. The reformed Anti-Corruption Commission has the right to appeal the decision of the Prosecutor's Office not to open an investigation. However, this right of appeal is not drafted as a procedure and it is not clear how it will function. However, it will not lead to any further developments and the Commission's work will continue to remain dependent on the Prosecutor's office.

The appointed ad-hoc prosecutor who is supposed to investigate Prosecutor General Borislav Sarafov stated official concerns that her independence is jeopardized considering that her office is in the same building as the Prosecutor General and the assisting staff appointed is also dependent on the Prosecutor General's strong position in the Prosecutors' College of the Supreme Judicial Council.

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

*5000 character(s) maximum*

The 2021 – 2027 National Anti-Corruption Strategy's is being updated. By November 2023, the National Anti-Corruption Council had one meeting involving CSO representatives, who submitted proposals for the update. It is expected that the Council will approve the Strategy according to article 32 from the Rules of Procedure of the Council of Ministers Administration. Once again, the discussion and the update are taking place without consideration of any evaluation of the existing measures, nor the use of any data-based impact assessment. The strategy's quality can be considerably increased in terms of political ambition, data-based analysis of the existing challenges in the Bulgarian anti-corruption environment, and instruments for delivering a strong anti-corruption response. It needs to be revised in line with the priorities and ambitions of the new Bulgarian governments, the EU Rule of Law report findings and recommendations, and the National Recovery and Resilience Plan.

## B. Prevention

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

*5000 character(s) maximum*

The integrity measures are sporadic. There is no unified and comprehensive code of conduct on a national level. Each institution has its own normative documents and bylaws stipulating integrity measures.

Therefore, it is impossible to monitor this implementation.

There are no regulations regarding revolving doors.

Ethics trainings are limited to lecture attendance, which is noted in the annual reports of the Bulgarian authorities.

### General transparency of public decision-making (including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing)

*5000 character(s) maximum*

There is no gift registry. The procedure for declaration of gifts to high-ranking public officials is ambiguous despite mentioned in the asset declarations regulatory framework. Each institution has its own integrity measures stipulated in the respective code of conduct. Thus, gift receipt is not de facto regulated. Lobbying is not regulated.

Rules and measures to prevent and address conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

*5000 character(s) maximum*

In terms of the regulations for asset declaration and conflict of interest in Bulgaria, a comparative analysis on the respective legislation shows the following shortcomings:

- The checking procedure only verifies the reported information but not whether there are undeclared assets.
- The checking institutions have no capacity to check assets in foreign countries.
- There is a limited scope of assets that should be declared. For example, the persons holding high public positions must disclose their majority shares in any company but not the assets held in these businesses.
- The list of assets that should be declared is limited allowing certain types of assets to be omitted.
- The asset declarations include 'personal assessment' of the value for immovable and movable property and flexible description and/or classification of assets, allowing the misreporting of assets.
- Only the immediate family (spouses or cohabitants) are checked, despite that there is no legal obligation of this immediate family to share knowledge about its assets to its closed ones.
- The relevant checking authorities do not compare the data from the asset declarations with other public registers. There is no centralized databases or cross-checks within them regarding assets and their legal classifications, and descriptions.
- The checking authorities do not investigate how someone obtained property before taking office. There is no comprehensive background check regarding the possessions of the person before taking office.
- Asset declarations are removed from public registers shortly after the end of the public servant's term in office, which hinders further investigation, including by the media and the civil society.
- Lack of machine-readable and downloadable in bulk public databases of asset declarations.
- Lack of escalation in sanctioning which allows the violation of the law over and over again without significant repercussions.
- Bulgarian officials are only required to report links to close relatives and such as godfather type of relationship or membership in clubs is not required.

If available to you, for the three preceding questions, you are also invited to provide figures on their application, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.).

Measures in place to ensure whistleblower protection and encourage reporting of corruption, including the number of reports received and the follow-up given

*5000 character(s) maximum*

The Protection of Persons Reporting or Publicly Disclosing Information on Breaches Act (the Whistleblowing Act, or the Act) adopts the minimum standards of the EU Whistleblowing Directive to protect persons reporting breaches of EU law. The law came into force on 4 May 2023 and the provisions establishing obligations for the employers in the private sector having between 50 and 249 employees should apply starting from 17 December 2023.

At the turn of 2023 three draft laws on establishing whistle-blower regulations were submitted to the Parliament. One of them was created under the coordination of the Ministry of Justice and was based on public consultations with representatives of public institutions, civil society and individual experts. A second one was submitted by the political party Democratic Bulgaria and the other one was submitted by the political party GERB. All three laws did not differ in nature and envisaged a centralised approach for handling whistle-blower signals due to their compliance with the mandatory provisions of the EU Directive 2019/1937. The difference was in the body that would deal with the signals. The Ministry of Justice and Democratic Bulgaria bills suggested that the CACIAF is more suitable due to its already established experience with corruption signals for higher level public officials, while the GERB's bill suggested that the Commission for Personal Data Protection (CPDP) as a responsible body. The latter was adopted as final in the Parliament. None of the draft laws allow for anonymous signals. All persons who submit signals still need to provide information about their identity but the officials who handle it are obliged to keep it in secret. Additionally, the draft law does not include comprehensive mechanisms for information sharing on whistle-blower rights. Expert opinion suggests that the CPDP is not suitable to handle signals due to their lack of capacity and knowledge on the corruption-related legislation. There are no provisions on effective psychological and legal support for whistle-blowers. The act does not provide the opportunity for submitting breaches dating from more than two years. While the legislation is in force, there are no current rulings under its provisions.

Sectors with high-risks of corruption in your Member State:

- Measures taken/envisaged for monitoring and preventing corruption and conflict of interest in public procurement
- List other sectors with high risks of corruption and the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. healthcare, citizen /residence investor schemes, urban planning, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)

*5000 character(s) maximum*

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

*5000 character(s) maximum*

## C. Repressive measures

Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery

5000 character(s) maximum

There is no criminalization of foreign bribery.

Data on the number of investigations, prosecutions, final judgments and application of sanctions for corruption offences (differentiated by corruption offence if possible) including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds

5000 character(s) maximum

Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

5000 character(s) maximum

Information on effectiveness of non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

5000 character(s) maximum

Other - please specify

5000 character(s) maximum

### III. Media pluralism and media freedom

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Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

A working group on media environment and access to information was established by the Ministry of Justice in June 2023. The working group consists of representatives of state institutions, media, and professional magistrates' organizations. Its creation was first announced on 26 June during the meeting of the Council for the Rule of Law. The Ministry's executive order establishing the working group explicitly mentions that one of its goals is to "provide suggestions on how to fulfill the recommendations in the European Commission's Rule of Law reports, particularly those contained in the third chapter on media freedom and pluralism". The Minister of Justice also presented a new policy concept on media freedom, pluralism, and protection from strategic lawsuits against public participation (SLAPP cases) during the meeting of the Council for the Rule of Law. The concept covers increased transparency of media ownership and state funding through advertising, an issue that remains unsolved despite being explicitly mentioned in all previous Rule of Law reports. According to the Minister, there are planned amendments to Bulgaria's Civil Code of Practice so that SLAPP cases are included among the summary proceedings, as well as the possibility of terminating manifestly unfounded claims against media, NGOs, etc., at an early stage.

## A. Media authorities and bodies

*(Cf. Article 30 of Directive 2018/1808)*

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

*5000 character(s) maximum*

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

*5000 character(s) maximum*

No changes to the conditions or procedures for the appointment and dismissal of the head/members of the Council of Electronic Media (CEM) were implemented in 2023. In April 2023, the Chairperson of CEM was reappointed to the position for an additional year by CEM's five members (with three votes in favor, one against, and one abstained). Notably, the Chairperson's resignation has been demanded by the Bulgarian Helsinki Committee and the Association of European Journalists in Bulgaria since December 2022.

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

*5000 character(s) maximum*

The National Council for Ethics in Journalism adopted on December 17, 2023 a position titled "Professional self-regulation of the media is not censorship or self-censorship, but their duty". This position was in connection with the recent decision by the program board of the Bulgarian National Radio (BNR) (a public service broadcaster) on December 16 to cancel the broadcast of a pre-recorded interview with Russian ambassador Eleonora Mitrofanova only hours before the broadcast was scheduled to air. The interview was supposed to air on the infamous radio talk show called "Politically Incorrect", hosted by Petar Volgin. Volgin is a well-known media personality who systematically proliferates and amplifies the Kremlin's disinformation and propaganda on his show and beyond. Shortly after the decision was made to pull the interview, CEM's Chairperson publicly stated that "there is an increase in this scary diagnosis of self-censorship" which is the latest in a series of positions in which the Chairperson is protective of Volgin.

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

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

*5000 character(s) maximum*

Other than the creation of the aforementioned working group on media environment and access to information, no meaningful changes were implemented to ensure the fair and transparent allocation of state advertising. A report published by the Institute for Public Environment Development (IPED) in December was highly critical of the Central Election Commission (CEC) due to a lack of transparency in its work in 2023. According to IPED, there was a near complete lack of information regarding the allocation of state funds for the media packages that political candidates use to fund their media participation during the election campaign in March 2023.

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

*5000 character(s) maximum*

There have been no known improvements to safeguards against political interference. In December 2023 RFE/RL published a 40 min. interview with the former news chiefs of bTV and NOVA, which are by far two most watched TV channels in Bulgaria. According to them, “whole generation of journalists has been beheaded” in the last decade due to political interference. Influential politicians and parties use different techniques to influence journalists, including: not giving interviews at all; giving interviews only to certain media and journalists; setting conditions to participate; ringing up and asking to be included in an on-air interview in which a completely different guest is invited; getting angry and throwing hissy fits.

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners, as well as any rules regulating the matter

*5000 character(s) maximum*

No meaningful changes have been implemented to increase the transparency and availability of media ownership information in 2023. The consistent failure to improve transparency and trust in the media appear to have led to a public fatigue and discouragement. In fact, the topic of media ownership was rarely present in media and political discourse in 2023, according to media experts.

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

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

*5000 character(s) maximum*

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

*5000 character(s) maximum*

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

*5000 character(s) maximum*

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

*5000 character(s) maximum*

According to a statement by the Minister of Justice from June 2023, there are planned amendments to Bulgaria's Civil Code of Practice so that SLAPP cases are included among the summary proceedings, as well as the possibility of terminating manifestly unfounded claims against media, NGOs, etc., at an early stage.

Mediapool, a privately-owned news website employing just over 10 people, announced on 8 March that the insurance company Lev Ins had filed a lawsuit against it, claiming the record sum of 1 million leva (€500,000) in compensation. The claims concern a publication by Mediapool based on the official transcript of a government session on the risks related to the country losing its rights under the international 'Green Card' insurance system. The first hearing in the case was held on 3 November in the Sofia City Court, with the second hearing scheduled for 17 November.

In January 2024, two chambers of the Sofia District Court have declared the lawsuits of Taki-linked businessman Razmig Chakaryan - Ami against investigative journalist Dimitar Stoyanov of Bird.bg to be SLAPP cases. This is widely considered to be the first time in which a Bulgarian court has acknowledged the existence of SLAPP cases.

Other - please specify

*5000 character(s) maximum*

## IV. Other institutional issues related to checks and balances

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Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

## A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1] /public consultations (including consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

[1] This includes also the consultation of social partners

5000 character(s) maximum

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)

5000 character(s) maximum

Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight

5000 character(s) maximum

Regime for constitutional review of laws

5000 character(s) maximum

## B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

5000 character(s) maximum

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



5000 character(s) maximum

## C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

5000 character(s) maximum

Judicial review of administrative decisions:

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

5000 character(s) maximum

Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

5000 character(s) maximum

Follow-up by the public administration and State institutions to final (national/supranational, including the European Court of Human Rights) court decisions, as well as available remedies in case of non-implementation

5000 character(s) maximum

## D. The enabling framework for civil society

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

5000 character(s) maximum

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks – verbal, physical or on-

line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services

*5000 character(s) maximum*

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

*5000 character(s) maximum*

Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

*5000 character(s) maximum*

## E. Initiatives to foster a rule of law culture

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, contributions from civil society, education initiatives etc.)

*5000 character(s) maximum*

Other - please specify

*5000 character(s) maximum*

## Contact

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