

2024 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

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^[1] 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

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

* 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

Institute for Market Economics

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://ime.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

Svetla

Surname

Kostadinova

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

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

Questions for contribution

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[3]. 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

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

- Take steps to adapt the relevant legislative framework to avoid long-term secondment of judges to fill in vacant positions, taking into account European standards on secondment

Unfortunately, no relevant steps (including legislative) were taken with regard to curbing the large numbers of seconded judges and prosecutors and the ill effects related to that. The number of seconded judges remain high, while the number of prosecutors has decreased after June 2023. This is due to the fact that the term of office of the Prosecutor General Ivan Geshev was terminated exactly in June. Thus, a lot of the prosecutors seconded by him were de-seconded by his deputy who is currently acting Prosecutor General Borislav Sarafov. This also demonstrates that seconded magistrates are loyal to the administrative head who seconded them, therefore they are sent to their original posts when a new administrative head is appointed. Currently, there are 200 seconded judges and 116 seconded prosecutors (a total of 316 seconded magistrates) – information as of 30.11.2023. The Sofia Court of Appeals (SCA) is a notorious example in regard to dubious secondment procedure. The number of seconded judges from the Sofia City Court (SCC) to SCA is so high and the secondment procedure is so opaque that it led to unrest among the SCC's judges in the autumn in 2023 when they filed a complaint in that regard to the President of the Supreme Court of Cassation. Hopefully, following the constitutional amendments, changes pertaining to the secondment of magistrates in the Judicial System Act will follow.

<https://ime.bg/articles/kadrovi-podbor-chrez-komandirovane/> - the specific example concerning the SCA (available in Bulgarian only)

- Advance with the preparation of legislative amendments aiming at improving the functioning of the ISJC and avoiding the risk of political influence, in particular by involving judicial bodies in the selection of its members.

The constitutional amendments introduced a change only in one paragraph. By its virtue, the Chief Inspector and inspectors can be re-elected to the same position only for one more term. Upon completing the term, they may not occupy the positions of a judge, a prosecutor and an investigator for two years and may retire in the order set by law. Although this may constitute a step forward in the efforts to set up a guarantee for more independence, it is far from being sufficient in ensuring complete independence from political influence.

- Step up efforts to adapt the composition of the SJC, taking into account European standards.

The amendments to the Constitution finally introduced the European standard that judges elected by judges should be the majority in the SJC (8 out of 15 members). Also, the SJC is completely separated from the Supreme Prosecutorial Council (SPC) which ensures that the undue influence from the prosecutor's office will cease entirely. This will finally allow for a real judicial self-governance and enhance judicial independence. The SPC's composition raises some concerns owing to the fact that 6 members (out of 10) will be elected by Parliament. On the one hand, this will curb the influence of the Prosecutor General in the SPC and allow for closer monitoring on the work of the Council, but on the other – it might constitute a pathway to direct political influence in the Council since the majority of the members are elected by Parliament. The amendments of the Judicial System Act should ensure the introduction and implementation of proper mechanisms for accountability.

- Ensure an improved effectiveness of investigations and a robust track-record of prosecution and final judgments in high-level corruption cases including through the institutional reforms of the Anti-Corruption C.

The effectiveness of investigations and a robust track-record of prosecution and final convictions in high-

level corruption cases continues to be a problem. There has been no development in that regard. There was a reform with regard to the anticorruption legislation where the anticorruption part was separated from the civil forfeiture procedure. Currently, there is a new Counter-Corruption Act, respectively there is a Counter-Corruption Commission and Unlawfully Acquired Assets Forfeiture Act, respectively – Commission for Illegal Assets Forfeiture. However, thus far, this mechanical separation did not lead to any real positive changes with regard to the implementation of effective control mechanisms.

- Improve the integrity of top executive functions, taking into account European standards, in particular by ensuring that clear integrity standards for the Government as well as an appropriate sanctioning mechanism are in place.

There is a draft bill of the Publicity of Lobbying Act uploaded on the Parliament's website. Still, there continues to be issues on effective integrity measures for top-level executive functions.

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

The election of judges at the Constitutional Court (CC) from the parliamentary quota (i.e. 2 judges) has been delayed for two years, thus leaving the court imbalanced quota-wise and instead of adjudicating with 12 judges, the CC currently adjudicates with 10 judges. This way the new CC judges will serve two years less. Their term of office should end at the original time (i.e. as if they had been appointed 2 years prior). This means that the judges who will be appointed soon will serve only the remaining time of the mandate. In that regard is the CC's Decision from 11.01.2024 (Constitutional case 17/2023). Otherwise, this could endanger the system of mandates in the country important for the checks and balances and would encourage and even reward the inaction of a state body. Although this is due to the volatile political situation, the latter should not be an excuse for such a long delay because it demonstrates to society that many factors including political, may influence such elections instead of only the formal ones as stipulated by law and the Constitution. The deadline for nominating CC judges expired on 11th January. One of them (Borislav Belazelkov) is a retired judge from the Supreme Court of Cassation who is an esteemed jurist widely recognizable by his high professional and moral standards. The other one (Dessislava Atanasova) is a MP from political party GERB and a chairperson of Chairperson of Parliamentary Group of GERB with no knowledge of constitutional law. Even more disturbing is the fact that now that the President of Bulgaria has attacked the constitutional changes before the Constitutional Court, one of the MPs that proposed, supported and voted for the constitutional changes, will be a judge at the CC which has to adjudicate whether the amendments of the basic law are constitutional.

Due to the political instability of the "non-coalition" and the political bargaining among the political parties many elections and appointments in judicial bodies whose term of office has long expired, were left to take place after the Constitutional amendments, thus are still pending and will be upcoming this year. These bodies include the Supreme Judicial Council (SJC), the Inspectorate to the SJC, the abovementioned CC judges, the Prosecutor General. The term of office of the President of the Supreme Administrative Court (SAC) will also end this year. All these elections and appointments will be a visible test to the effectiveness of the introduced changes and their authentic purpose. If once again the elections are carried out in an opaque way and people with questionable reputation are selected, the confidence in judiciary and legislature will most probably significantly drop.

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

The random allocation of cases has been a long-standing issue. Even putting aside the possibility for manipulation of the systems, there were at least three systems for random allocation and their maintenance was a redundant effort.

With last year's amendments to the Judicial System Act, the legislator introduced a requirement for cryptographic guarantees for the random allocation of cases such as qualified timestamp and chain hashing of the allocations. Art. 360, para. 5 stipulates that there shall be a unified random allocation system where the randomness must be publicly proven by cryptographic means determined by an ordinance of the Minister of Justice in consultation with the Minister of e-Government. A new para 5 from the same article envisages that the SJC in agreement with the Minister of e-Government commissions an audit of the network and information security of the systems, including the random allocation systems, once a year and submits the audit reports to the Minister of Justice and the Minister of e-Government. The rationale behind this change was that this way there would be guarantees for randomness of numbers, public and audited source code, traceability, etc. If all this is put into place as originally designed, then any doubts of manipulations would be limited or completely dropped out. Of course, as in any other case in Bulgaria, this could be assessed only after its practical implementation for some time.

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

The amendments to the Constitution finally introduced the European standard that judges elected by judges are the majority in the SJC. Out of the 15 members 8 are judges elected by judges, 2 are ex officio members (the two presidents of the Supreme Court of Cassation and the Supreme Administrative Court) and 5 are elected by Parliament. Also, the SJC is completely separated from the Supreme Prosecutorial Council (SPC) which ensures that the undue influence from the prosecutor's office will cease entirely. On the one hand, this would theoretically finally allow for a real judicial self-governance and would presumably enhance judicial independence. On the other, it creates conditions for strengthening their accountability to the judicial community that elected them.

However, only by itself this standard would not automatically lead to an improvement of the current situation, unless there are legislative guarantees that judges elected by their peers would be from different levels of the judiciary, that there would be a balance between different regions, genders, etc. This means that it is necessary to establish conditions for composing a balanced council not only between judicial and non-judicial members, but also between the judges themselves. Otherwise, there is a high chance that only presidents of courts and their deputies will be elected by the judges similar to the recent election of judges for the Judicial College of the SJC.

A positive development in the Constitution is the explicit differentiation between the status of judges and prosecutors. This underlines their different functions and legal powers. The term of office of the Prosecutor General is now limited to 5 years, while the Presidents of the two Supreme Courts kept their 7-year mandate. Furthermore, for the first time, it is stipulated that judiciary is independent and its main bearer is the court. The prosecutor's office and investigative bodies are part of the judicial system. In exercising their functions, judges, jurors, prosecutors and investigators obey only the law.

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

At the end of October the Supreme Judicial Council adopted two separate ethical codes – one for judges and one for prosecutors as opposed to the unified Code of Conduct all magistrates used to have. This is a welcomed development because it once more emphasizes the different role and functions judges and prosecutors have in the justice system.

Following the changes to the Constitution, the Judicial System Act needs to be amended respectively. The amendments of the Judicial System Act should ensure the introduction and implementation of proper mechanisms for accountability for the members of the Supreme Judicial Council and the Supreme Prosecutorial Council. These mechanisms should include guarantees for both ongoing and follow-up accountability of the councils' members. Now that conditions for judicial independence were set up on constitutional level, it is important to use accountability as a counterweight in order to avoid capsulation of judges and the lack of oversight of their work.

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

The new constitutional set-up of the Supreme Prosecutorial Council's raises some concerns owing to the fact that 6 members (out of 10) will be elected by Parliament. On the one hand, this will curb the influence of the Prosecutor General in the SPC and allow for closer monitoring on the work of the Council, but on the other – it might constitute a pathway to direct political influence in the Council since the majority of the members are elected by the National Assembly. Thus, the upcoming election of a new Prosecutor General might prove to be entirely in the hands of politicians. Therefore, the nomination and selection of this quota would be essential. There should be guarantees that only people with high integrity and esteem would ultimately be elected. This would be the only way to ensure that the political quota would actually be a public quota which can act as a counterweight of the influence of the Prosecutor General. Otherwise, we risk immediate dominance over the Prosecutorial Council.

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

A problem that has recently arisen once more is the massive withdrawal of judges due to public pressure. One such case is called "Debora" and all judges from the Stara Zagora Regional Court withdrew themselves from the case following a great public unrest with regard to the investigation of the case. Although the withdrawal of judges from cases is a legitimate mechanism which allows to eliminate the conflict of interests, sometimes judges misuse and even abuse this institute. That has negative consequence on justice and its independence. Unfortunately, no accountability is sought from judges in that regard, despite the fact that this ungrounded denial of justice could constitute infringement of the Code of Conduct. More information, including data, is available here: <https://ime.bg/articles/otvod-mi-daj-otvod-mi-daj-i-poveche-ne-me-mychi/> (only in Bulgarian)

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

IME traditionally monitors these issues. More data, graphics and information could be found the following links:

<https://ime.bg/articles/naj-posle-sme-napred-v-klasatsiyata-na-es-po-vyprosite-na-pravosydiето/>

<https://ime.bg/articles/za-choveshkiya-kapital-v-sydebnata-sistema/>

<https://ime.bg/articles/byudzhetyt-na-sydebnata-vlast-prikazka-bez-kraj/>

<https://ime.bg/articles/prokuraturata-ni-e-skypa/>

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

Although a lot of funds were allocated to the Bulgarian Judiciary, more specifically the Supreme Judicial Council with regard to the reform of the judicial map, in practice no restructure took place. Despite the fact that the judicial map reform is obviously needed, no political will for changes exist, nor will among the judges themselves. Considering the political situation, this issue is on a stand-by.

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

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)

5000 character(s) maximum

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

There was a reform with regard to the anticorruption legislation where the anticorruption part was separated from the civil forfeiture procedure. Currently, there is a new Counter-Corruption Act, respectively there is a Counter-Corruption Commission and Unlawfully Acquired Assets Forfeiture Act, respectively – Commission for Illegal Assets Forfeiture. However, thus far, this mechanical separation did not lead to any real positive changes with regard to the implementation of effective control mechanisms.

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

5000 character(s) maximum

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

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

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

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

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

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

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

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. 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

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

5000 character(s) maximum

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

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

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

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

Other - please specify

5000 character(s) maximum

IV. Other institutional issues related to checks and balances

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

The renewal of the mandates of independent and regulatory authorities has been delayed due to the political situation. A group of NGOs sent a letter urging the Parliament to conduct transparent, objective and clear election procedures for the upcoming elections concerning different high-ranking posts in independent and regulatory authorities and judicial bodies. It seems, however, that these appointments will be a result of political bargaining and trade-offs between the political parties of the so called non-coalition.

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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