

**CONTRIBUTION OF THE REPUBLIC OF BULGARIA  
TO THE ANNUAL REPORT ON THE RULE OF LAW  
IN 2023**

**January 20, 2023  
City of Sofia**

## List of abbreviations used

CA	The Customs Agency
AMoI	Academy of the Ministry of Interior
PPA	Public Procurement Agency
AFCOS	Protection of the European Union Financial Interests Directorate
BNR	Bulgarian National Radio
BNT	Bulgarian National Television
SAPO	Supreme Administrative Prosecutor's Office
SAC	Supreme Administrative Court
SCPO	Supreme Cassation Prosecutor's Office
SCC	Supreme Court of Cassation
SJC	Supreme Judicial Council
BPGD	Border Police General Directorate
NPGD	National Police General Directorate
BCP	Border Check Point
CPC	Civil Procedure Code
SANS	State Agency for National Security
ISD	Internal Security Directorate
ID	Inspectorate Directorate
UISC	Uniform Information System of the Courts
EC	European Commission
EJTN	European Judicial Training Network
APIA	Access to Public Information Act
ECA	Electronic Communications Act
LMDPOWADMSP	Law on the Mandatory Deposit of Printed and Other Works and on the Announcement of Distributors and Media Service Providers
ASA	Amendment and Supplement Act
LNA	Law on Normative Acts
PPA	Public Procurement Act
AFFA	Anti-Corruption and Forfeiture of Assets Act
LRT	Law of Radio and Television
JA	Judiciary Act
ISJC	Inspectorate to the Supreme Judicial Council
CAC	Commission on Appraisal and Competitions
CECBM	Code of Ethical Conduct of Bulgarian Magistrates
CPD	Commission for Protection against Discrimination
CC	Constitutional Court
CCWJSC	Court Card, Workload and Judicial Statistics Commission
CACIAF	Commission for Anti-Corruption and Illegal Assets Forfeiture
MoI	Ministry Of Interior
MFA	Ministry of Foreign Affairs
MH	Ministry of Health
MC	Ministry of Culture
MoJ	Ministry of Justice
CM	Council of Ministers
MF	Ministry of Finance
NRA	National Revenue Agency
NHIF	National Health Insurance Fund
NIJ	National Institute of Justice
PC	Penal Code;
NA	National Assembly
NIS	National Investigation Service
SJCP	Supreme Judicial Council Plenum

## Introduction

In 2022, as proof of its determination, will and commitment to ensure the irreversibility of the fundamental reforms achieved under the Cooperation and Verification Mechanism (CVM), introduced at the accession of Bulgaria to the European Union, the Bulgarian authorities took action to ensure the functioning of a monitoring mechanism at national level. A high-level council for its implementation was set up which aims to develop policies in the areas under all four pillars of the horizontal Rule of Law Mechanism and monitor their implementation. The Council is co-chaired by the Minister of Justice and the Representative of the Supreme Judicial Council (SJC). It consists of the ministers of the Interior, Finance, Culture, the Secretary General of the Council of Ministers, the Chairperson of the Commission for Anti Corruption and Illegal Assets Forfeiture, as well as of the heads of the bodies of the judiciary – the presidents of both supreme courts, the Prosecutor General and the Inspector General of the Inspectorate to the Supreme Judicial Council (ISJC). To ensure the involvement of civil society, a Civil Council consisting of representatives of relevant professional organizations and of recognized non-governmental organizations was also set up.

This approach has been developed and implemented in coordination with the European Commission. Its representatives were invited to both meeting of the Council, which took place on 19 September and on 5 December 2022. During its sessions, the Council discussed measures to implement the recommendations of the European Commission to Bulgaria from the third Annual Rule of Law Report. The members of the Council took the decision to involve in their work the Supreme Bar Council as it could provide a valuable contribution. The Ombudsman also took the initiative to request officially that it received regular information on the activities of the Council. Invitation for attendance for both sessions of the Council held in 2022 was sent to the Representation of the European Commission and to the Embassies of the EU Member States to ensure transparency and regular dialogue.

The institutions and organisations participating in the Council decided to set up two working groups in order to facilitate an efficient coordination of their targeted efforts. One is coordinating the approach for collecting data on investigations and cases of higher-level and lower-level corruption. It consists of representatives of the Supreme Courts of Cassation, Supreme Prosecutor's Office of Cassation, Ministry of the Interior and the Supreme Bar Council.

The other one is targeting the topic related to media freedom and access to information. At its meeting held on 8 December, the group took a decision to involve on ad-hoc basis representatives of a wide circle of stakeholders alongside the members of the Council and the Civic Council.

The Council has provided a valuable platform for debate and discussion to the representatives of the wide range of sectors participating in its work. It has secured an approach of openness and transparency where different opinions are heard and the individual solutions receive additional impetus from other spheres of competence. The members of the Council have demonstrated commitment to keep the Rule of Law related issues and reform on top of the agenda and to look jointly for suitable solutions. As a result of their coordinated efforts, the present input to the annual Rule of Law report has been provided.

Reforms to ensure the Rule of Law and tackling corruption were also included in the National Recovery and Resilience Plan (NRRP). The findings of the European Commission's annual reports under the horizontal Rule of Law Mechanism and the European Semester were the basis on which the specific commitments in the NRRP were developed.

The investments funded in the framework of the Recovery and Resilience Facility will contribute to providing state-of-the-art technical equipment for secure and accessible e-justice, as well as to expanding the use of methods for alternative dispute resolution.

In this context, the plan sets out measures for increased accountability of the Prosecutor General to ensure that Bulgaria applies the established international practices of the Council of Europe for impartial and effective justice. The Ministry of Justice has drafted legislative amendments, taking into account the specific proposals and findings of the Commission in the

area of the Rule of Law and regarding the measures for improved accountability of the Prosecutor General. These are based on the recommendations of the Venice Commission, the reports of the Commission under the CVM and the Rule of Law Mechanism and the framework of the Bulgarian Constitution. Taking into account these clear messages, the Bulgarian authorities have proposed a mechanism for investigating the Prosecutor General in case of an alert or a suspicion for a crime. A judge will be randomly appointed who will conduct an investigation. This judge will not be able to be replaced by the SJC. The Prosecutor General will not be able to intervene and give instructions regarding the investigation. Also, while the investigation is being conducted, the Prosecutor General will be removed from office. The career development of the investigating judge will be protected regardless of the outcome of the investigation on the Prosecutor General.

This mechanism has been carefully considered in view of the considerations of the Constitutional Court in Constitutional case No 7 in case 4/2021, according to which the overall regulation of the role of the prosecutor in the investigation against the Prosecutor General or his deputy is not in line with the current constitutional framework, so that it can be implemented, without constitutional amendments to be required, following the recommendations of the Venice Commission.

On 5 December 2022, a draft law amending and supplementing the Criminal Procedure Code, which proposes a framework for the establishment of a mechanism for engaging the criminal liability of the Prosecutor General published for public consultations. On 19 January, the draft was endorsed at first reading by the Legal Affairs Committee.

On 2 March 2022, after approval by the Council of Ministers, a draft Law amending and supplementing the was submitted to the National Assembly. It

However, on 14 April 2022 amendments to the Judiciary Act were adopted that repealed the “career bonuses” of the members of the Supreme Judicial Council, the Inspector General and the inspectors of the Inspectorate at the Supreme Judicial Council, as the career growth of magistrates should depend solely on their work as magistrates. With the same bill the specialized bodies of the judiciary were closed, The Specialized Criminal Court, the Specialized Criminal Court of Appeal and their respective prosecutor’s offices were closed, settling the status of the judges and prosecutors working in them, as well as the closure of pending cases, subject to the principle of permanence of the composition. With its Decision No. 7 of 14 July 2022 in c.c No. 9/2022, the Constitutional Court held that the closure of specialized courts and prosecutor’s offices was not unconstitutional.

In 2022, a new strategic framework in the field of anti-corruption it was elaborated and adopted by the Council of Ministers on 19.03.2021 with an implementation horizon of 2027, which outlined the main guidelines and key anti-corruption activities. These are intended to be implemented in view of the country’s commitment to increase trust and public intolerance to address this global problem, which has an impact on human values and fundamental rights.

Strengthening of anti-corruption bodies is a key priority of the government, which is included in the NRRP. One of the measures is to reform the Commission for Anti Corruption and Illegal Assets Forfeiture (CACIAF) in order to build an effective political and financially independent anti-corruption body that will focus only on those powers that directly affect the prevention and fight against corruption crimes.

The draft Law on Countering Corruption among Senior Public Office Holders (SPOH) was approved by the Council of Ministers on 1 November 2022. It was adopted at first reading in plenary on 7 December 2022.

The draft was sent to the secretariat of GRECO within the framework of the Fifth Evaluation Round of the Republic of Bulgaria, and the evaluation team in its report gives a positive assessment of the draft provisions on the establishment of the Commission.

Another important element of the reforms implemented in 2022 represent the efforts to annul the possibility of acquiring Bulgarian citizenship under reduced conditions against investments made. The amendments to the Bulgarian Citizenship Act, which removed the possibility for Bulgarian citizenship to be acquired against investment, were adopted by the National Assembly on March, 2022. They were published in the State Gazette on 1 April 2022.

A key element of the Rule of Law and of ensuring the effectiveness of the functions of the European Public Prosecutor's Office was also the granting of administrative independence to the European Delegated Prosecutors from Bulgaria by the adopted amendments to the Judiciary Act adopted on 27 July 2022. For the practical implementation of their administrative provisioning, a separate building was allocated for their accommodation in very short terms. Ensuring the autonomy of the European Delegated Prosecutors will also contribute to guarantee the proper spending of the funds expected under the National Recovery and Resilience Plan.

These actions testify to the firm determination to continue putting efforts in the direction outlined and cooperation with all European institutions and other respected organizations in the field of the Rule of Law. We believe that they represent a strong guarantee that the direction of reforms in the country will follow consistently internationally recognized and established standards.

## **I. Justice system**

### **1. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the justice system (if applicable)**

- ***On recommendation: “Ensure timely ordinary competitions for promotion to avoid long-term secondment of judges to fill in vacant positions, taking into account European standards on secondment of judges”***

The Supreme Judicial Council (SJC) is a beneficiary of a project “*Increasing professionalism in the judiciary*”, funded under the *Justice Programme of the NFM 2014-2021*, and the Program Operator – Ministry of Justice (MoJ). As part of the implementation of the project, the working group has drafted a comprehensive analysis of the recruitment procedures, selection and career development of magistrates which is based on analysis of European practice and national legislation. Proposals for improving competition and appraisal legislation have also been developed. Round tables were held with representatives of the different magistrates' communities, at which the analysis was presented, as well as discussions on the proposals for legislative amendments, which are also in line with the recommendations in the European Commission's 2022 Rule of Law Report.

A final version of the analysis was approved by decision of the SJC Plenum<sup>1</sup>, which also included conceptual proposals for amendments to the regulations aimed at accelerating and optimizing the competitions in the appointment and promotion of magistrates, increasing the effectiveness of the procedures for appraisal, increasing public confidence in judicial authorities, greater transparency and broad public representation in the selection, appointment, promotion and relocation of magistrates.

The proposals conceptually develop the issue of setting up a special selection committee for the appointments to each of the colleges of the SJC – an auxiliary and permanent body, which powers are related only to holding competitions for taking up magistrate posts.

Another of the proposals presented is that magistrates' positions be taken up on the basis of separate competitions for promotion or transfer for each vacant or impending vacancy. The competitions shall be announced by the colleges individually by each body of the judiciary at least twice during each calendar year and shall be held by competition committees within statutory time limits. A proposal has been formulated (based on the analysis of the career development procedures of the magistrates in Norway and the Netherlands) to introduce an

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<sup>1</sup> under Protocol № 36 of December 15, 2022

additional requirement that the candidate for magistrate for initial appointment, possess high personal non-legal qualities necessary to perform the functions of a judge, prosecutor, or investigator. With the initial appointment, a psychological test of the candidates is envisaged and the procedures for its implementation are specified in a special regulation of the SJC, etc.

It is also proposed to reduce the test criteria in the area of appraisal, introducing mechanisms to speed up the conduct of procedures for the appraisal of judges when participating in competitions of a larger number of participants, enabling the judges' college to allocate the attestations between auxiliary appraisal committees to other regional courts, respectively between auxiliary appraisal committees to the appeal courts, reduce the workload of members of the auxiliary appraisal committees in the courts – for the period during which the appraisal takes place and others.

With the aim to avoid delays and conducting the competitions held by the SJC within a reasonable time frame, by decision of the Plenum of the Supreme Judicial Council<sup>2</sup>, amendments and additions were adopted to Ordinance No. 1/09.02.2017 for the competitions for magistrates and for the selection of administrative heads in the bodies of the judiciary (**Annex 1** to the input). The amendments to the Ordinance allow for a certain member of a competition commission to recuse before the relevant plenum. This aims to ease the procedure for selecting members of competition commissions, elected by the plenums of the Supreme Court of Cassation and the Supreme Administrative Court, respectively, and the meetings of the prosecutors, respectively of the Supreme Cassation Prosecutor's Office and the Supreme Administrative Prosecutor's Office.

On 29 November 2022 the College of Judges set up a working group with the participants: members of Commission on Appraisals and Competition, judges and experts from the administration of the SJC to draft a normative act - Ordinance amending and supplementing Ordinance No 2 of 23 February 2017, on the indicators, methodology and procedure for the appraisal of a judge, a president and a vice-president of a court in order to optimize the procedures for the appraisal, according to the current JA provisions.

- ***On recommendation: “Advance with the legislative amendments aiming at improving the functioning of the Inspectorate to the Supreme Judicial Council and avoiding the risk of political influence, in particular by involving judicial bodies in the selection of its members”***

Information on the proposals for legislative amendments concerning the improvement of the ISJC functioning and limiting the risk of political influence and opinions on them is provided in the input for the previous Annual Rule of Law Report.

Meantime, by Decision No. 12 of 27 September 2022<sup>3</sup> the Constitutional Court of the Republic of Bulgaria ruled that with the expiration of the term for which they have been elected, the Inspector General and the inspectors in the Inspectorate at the Supreme Judicial Council perform their functions until new Inspector General, respectively inspectors are elected by the National Assembly. It is constitutionally inadmissible to automatically suspend for an indefinite period the activities of the Inspectorate at the Supreme Judicial Council due to the expiration of the powers of the Inspector General and the inspectors and the failure of the National Assembly to elect a new composition of the Inspectorate, ensuring its functioning in accordance with the constitutional prescriptions. The discretionary power of the Parliament is limited and the opposite undermines the democratic order under the Rule of Law, which is constitutionally established by the will of the sovereign as an element of the basic law fundamental structure.

On 24 October 2022, the CM submitted to the National Assembly the ASA of the JA, drafted in implementation of the measures set out in the NRRP, and the proposals made to supplement the powers of the Inspectorate aimed at improving the functioning of the body. On 23 November 2022, the bill was endorsed by the Parliamentary Legal Affairs Committee.

- ***On recommendation: " Take steps to adapt the composition of the Supreme Judicial Council, taking into account European standards on Councils for the Judiciary”***

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<sup>2</sup> under pr. № 27/15.09.2022

<sup>3</sup>in constitutional case № 7/2022

On the basis of Art. 130a, para. 3 of the Constitution of the Republic of Bulgaria the SJC's Judges' College consists of 14 members and includes the presidents of SCC and SAC, six members elected directly by the judges, and six members elected by the National Assembly.

The adaptation of the composition of the Supreme Judicial Council can be carried out only by an amendment to the Constitution if the ratio of the current judges elected by the judicial authorities is expected to change, i.e., the judicial quota by the judges' college.

The draft amendments to the Criminal Procedure Code, initiated by the MoJ, which sets out a framework for the creation of a mechanism for engaging the criminal liability of the Prosecutor General, was approved by a decision of the Council of Ministers of 30 December 2022 and it has been submitted for discussion and adoption by the National Assembly. Relevant to the recommendation is also the proposal for amendment to Art. 16 of the Judiciary Act in the sense that the National Assembly does not elect active prosecutors, investigators and judges as members of the SJC. By excluding the representatives of the Prosecutor's Office and the investigation, as well as the judges, from the quota of the National Assembly in the SJC will be achieved better public representation and participation of lawyers from the non-governmental sector, bar association, academic community, etc. This will also lead to a fairer administration of the judiciary, avoiding the risk of its encapsulation and, above all, reducing the actual influence of the Prosecutor General in the SJC. On 19 January, the bill was endorsed by the Parliamentary Legal Affairs Committee.

The draft was consulted with the Venice Commission, which adopted an opinion<sup>4</sup> at its 132 plenary sessions<sup>5</sup>. The measure is also included in the National Recovery and Resilience Plan and represents a guarantee of effectiveness of the mechanism of attributing the Prosecutor General and his deputies of liability.

## **A. Independence**

**2. Appointment and selection of judges<sup>4</sup>, prosecutors and court presidents (incl. judicial review)**

**3. 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)**

### **4. Promotion of judges and prosecutors (incl. judicial review)**

As of 9 December 2022, a total of 109 magistrates were promoted at various judicial bodies in the country after competitions for promotion in office were held.

5 competitions for the appointment of magistrates to higher positions were finalized - the competitions announced in 2019 for promotion in "judge" for the SJC – Commercial College, for the regional courts – civil, commercial and criminal division, as well as the competition announced in April 2021 for promotion in judge in the administrative courts.

A total of 286 attestations were held and the selection committees evaluated a total of more than 750 candidates.

109 judges were promoted by the SJC (JC) as follows:

- 8 candidates for the SCC-CC, and all 8 magistrates have taken up position in July and September.<sup>6</sup>

- 71 ranked candidates in the regional courts – civil, commercial and criminal division<sup>7</sup>.

- 30 candidates ranked were promoted in "judge" in the administrative courts<sup>8</sup>.

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<sup>4</sup> CDL (2022)022 of 24.10.2022

<sup>5</sup> the 132-nd plenary session of the Venice Commission took place from 21-22 October 2022.

<sup>6</sup> The judges were promoted by decisions of the JC under Protocol (pr. 28/12.07.2022 and under pr. № 34/27.09.2022

<sup>7</sup> The judges were promoted by decisions of the JC under pr. № 33/20.09.2022, pr. № 37/11.10.2022, pr. № 42/08.11.2022, under pr. № 42/08.11.2022 and pr. 46/06.12.2022

<sup>8</sup> by decisions of the JC under pr. № 42/08.11.2022 pr. 46/06.12.2022

Due to the prerequisites of Art. 60, para. 1 of the APC for allowing preliminary implementation of the decisions on promotion - protection of a particularly important public interest, since taking up vacant posts for a prolonged period is in the interest of effective implementation of constitutional and legal powers of the judicial authorities, preliminary implementation of the decisions of the JC to promote the participants ranked in the competitions was admitted. The decisions are reasoned by the argument that the postpone or delay in the enforcement of decisions over time will continue to negatively affect the work of the courts, part of which are forced to resort to the institution of secondment in order to ensure the administration of justice in the country. As a result of the preliminary implementation admitted, 96 of those promoted have taken office, and those promoted by JC decisions of 6 December 2022 are also expected to take up office.

Of the competitions for 19 positions for judges in the courts of appeals - the criminal division that were announced in 2021, only the one for a promotion has not been completed. In connection with the competition, 92 attestations were completed, 2 are at the final stage. The competition is open to 139 candidates and the Selection Board is in an advanced stage of its work.

In 2022, with a view to ensuring the rhythm of the competition procedures for career development, 3 competitions for promotion for 48 positions in different judicial authorities in the country were announced, namely:

- 24 positions for judge in the courts of appeal - civil division, on which 242 candidates are due to be appraised <sup>9</sup>;
- 18 positions for judge in the courts of appeal - commercial division, on which 201 candidates are due to be appraised <sup>10</sup>;
- 6 positions for judge in the Supreme Court of Cassation - Criminal division, on which 53 candidates are due to be appraised <sup>11</sup>.

In connection with the competitions announced, 116 appraisal procedures are required to be carried out.

For all three competitions, the competition commissions have been formed and have been functioning in accordance with the evaluation criteria established in the JA.

In addition, in 2022 the Commission on appraisal and competitions (CAC) has completed 293 appraisals of judges.

1 competition for 39 junior judges in the district courts was announced and completed<sup>12</sup>. 613 candidates were evaluated in the competition after taking a written exam. After the second stage of the competition, 39 of those ranked were approved as candidates for junior judges and began their studies at the National Institute of Justice.

For the period from 1 January 2022 until 30 November 2022, the Prosecutor's College of the Supreme Judicial Council promoted a total of 68 (sixty-eight) magistrates on competitions announced in 2019, 2020 and 2021 of which:

- 5 (five) on a competition for promotion of an investigator in the National Investigation Service<sup>13</sup>;
- 21 (twenty-one) on a competition for promotion of a prosecutor in the Supreme Cassation Prosecutor's Office<sup>14</sup>;
- 42 (forty-two) on a competition for promotion for a prosecutor in the regional prosecutor's offices<sup>15</sup>.

Three new competitions have been announced in 2022, as follows:

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<sup>9</sup> announced by decisions of the JC under pr. № 31/26.07.2022

<sup>10</sup> announced by decisions of the JC under pr. № 31/26.07.2022

<sup>11</sup> announced by decisions of the JC under pr. № 19/11.05.2022

<sup>12</sup> JC decision № 02/25.01.2022, SG, № 09/01.02.2022.

<sup>13</sup> announced by a decision of the Prosecutor's College of the Supreme Judicial Council under Protocol № 20/02.06.2021,

<sup>14</sup> announced by a decision of the Prosecutor's College of the Supreme Judicial Council under Protocol No. 27/15.07.2020,

<sup>15</sup> announced by a decision of the Prosecutor's College of the Supreme Judicial Council under Protocol № 27/11.09.2019,



- Competition for promotion and taking up 5 (five) "Prosecutor" positions in the Supreme Administrative Prosecutor's Office<sup>16</sup>, to which 140 candidates are due to be appraised;
- Competition for promotion and taking up 15 (fifteen) Prosecutor's positions in the Appellate Prosecutor's Office<sup>17</sup>, to which 250 candidates are due to be appraised;
- Competition for the transfer and taking up 12 (twelve) prosecutor positions in the district prosecutor's offices<sup>18</sup>, where, as of now, 32 magistrates are being verified on their submitted documents for participation in the procedure.

In connection with those announced in 2022: competition for promotion of a prosecutor in the Supreme Administrative Prosecutor's Office and competition for promotion of a prosecutor in the Appellate Prosecutor's offices, CAC to the Prosecutors' College of the SJC has opened a total of 78 procedures for extraordinary appraisal.

In addition to the 78 extraordinary procedures, 82 more have been opened during the current year - preliminary (11), with a view to acquiring status of irremovability (31) and periodic (40). The appraisal procedures completed to date by an act of the personnel body are a total of 148, some of which were opened in the previous calendar year.

## **5. Allocation of cases in the courts:**

### **6. 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):**

Since December 2020 "Public register"<sup>19</sup> of cases of violation of judicial independence" is available on the SJC website.

A total of 54 reactions are published of the SJC and judicial authorities for the period 2018-2022, of which 2 for 2022 - Opinion<sup>20</sup> of the SJC Prosecutors' College on a call for the resignation of Ivan Geshev – Prosecutor General of the Republic of Bulgaria, and opinion<sup>21</sup> of the SJCP adopted in connection with a proposal for amendment of the Law on the State Budget of the Republic of Bulgaria for 2022. The opinion of the SJC Prosecutors' College was sent to the Representation of the European Commission, the Embassies of the Member States of the European Union in the Republic of Bulgaria, the USA Embassy, the Embassy of the Great Britain and Northern Ireland, the European Parliament, the Council of Europe, the Venice Commission, the Advisory Council of European Prosecutors, The International Association of Prosecutors, the European Network of Councils for the Judiciary, the GRECO Commission and the European Chief Prosecutor.

In 2022, the SJC has held a General Assembly of investigators to elect a member of the SJC<sup>22</sup>, a General Assembly of judges to elect members of the SJC<sup>23</sup>, and a General Assembly of prosecutors to elect members of the SJC<sup>24</sup>. Detailed press releases on their progress have been sent to the diplomatic representations of the EU Member States, the United States and the European Commission representation in Bulgaria. Plan-schedules for their informational and media coverage have also been successfully implemented, and special sections have been created on the website of the SJC. For their conduct, a continuous direct broadcast was carried out through the website of the SJC. The documents of all candidates for members of the SJC from the quota of judges, prosecutors and investigators are published in the Unified e-Justice portal in

<sup>16</sup> announced by a decision of the Prosecutor's College of the Supreme Judicial Council under Protocol № 31/14.09.2022 (prom. In SG, № 78/30.09.2022)

<sup>17</sup> announced by a decision of the Prosecutor's College of the Supreme Judicial Council under Protocol № 31/14.09.2022 (prom. In SG, № 78/30.09.2022)

<sup>18</sup> announced by a decision of the Prosecutor's College of the Supreme Judicial Council under Protocol № 40/09.11.2022 ,(prom. In SG, № 90/11.11.2022 )

<sup>19</sup> <http://www.vss.justice.bg/page/view/106204>

<sup>20</sup> <http://www.vss.justice.bg/root/f/upload/34/Stanovishte-0.pdf>

<sup>21</sup> <http://www.vss.justice.bg/root/f/upload/34/VSS-17.02.2022.pdf>

<sup>22</sup> 4 and 11 June 2022

<sup>23</sup> 18, 25 and 26 June 2022

<sup>24</sup> 2, 9 and 10 July 2022

the "Elections 2022"<sup>25</sup> section. In the sections of each General assembly, the possibility of real-time monitoring of the activity of magistrates in voting with electronic ballot is provided.

#### **7. 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):**

In 2022, 7 proposals were made to the SJC for the initiation of disciplinary proceedings - 3 of them were on violations established during the integrity checks carried out under Chapter Nine, Section Ib of the JA, and 4 were on violations found in the course and/or closure of cases - systematic non-compliance with the deadlines stipulated in the procedural laws, as well as for action or inaction that unjustifiably delays the proceedings (Art. 307, Para.1, Items 1 and 2 of the JA).

21 alerts were sent to administrative heads of judicial authorities for the imposition of a disciplinary measure under Art. 327 of the JA or for engaging the disciplinary liability of a judge, prosecutor or investigator for delays they have caused in the course and/or closure of a specific case/file.

At an ISJC session held on 1 November 2022, models were adopted for the closure of cases and files for all courts – district, regional, military, administrative, appeal, SAC and the SCC, as well as for all the prosecutors.

On 2 December 2022, a Regulation was promulgated to supplement the Regulations for the organization and activities of the ISJC and for the activities of the administration and the experts, in which the procedure has been written for acceptance by the ICSC of reporting samples and accounting for the closure of cases within the framework of statutory specified time limits. The procedure for the preparation of analyzes of the results of the closed cases and files and their publication on the website of the body has also been signed<sup>26</sup>.

#### **8. 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:**

According to Art. 218, para. 3 of the JA, the remuneration of judges, prosecutors and investigators shall be determined as by a SJCP decision "*Table 1 of the SJC for determining the maximum basic monthly salaries of judges, prosecutors and investigators*" shall be approved. The gross monthly salary of judges, prosecutors and investigators is formed by adding to the basic monthly remuneration the remuneration for rank and service time. For the accounting year 2021 according to data from the salary report collected and summarized by the judicial authorities as of 31 December 2021, the gross annual salary of a judge/prosecutor of first instance is EUR 27 867 (the net annual salary is EUR 25 080). For a judge/prosecutor from the Supreme structures, the gross annual salary is EUR 48 222 /net annual salary is EUR 43 400/. In 2022, the basic monthly wages are indexed by 10%.

Pursuant to Art. 233, para. 6 of the JA, based on the degree of workload of the relevant judicial authority, the SJC determines an additional remuneration of a judge, prosecutor or investigator. In this regard, the SJCP colleges have adopted rules that regulate the manner and procedure for determining the degree of workload of the judicial authority in determining the amount of the additional remuneration under Art. 233, para. 6 of the JA. The amount of the additional remuneration shall be determined by a decision of the respective college (judges' and prosecutors') of the SJC, according to the degree of workload of the judicial authority. If financial resources are available, additional labor remunerations are also paid in accordance with the "*Rules for determining and paying funds for additional labor remunerations*", adopted by decision of the SJC.

#### **9. Independence/autonomy of the prosecution service:**

#### **10. Independence of the Bar (chamber/association of lawyers) and of lawyers:**

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<sup>25</sup> <https://evote.justice.bg/>

<sup>26</sup> <http://www.inspectoratvss.bg/bg/page/154>

## **11. Significant developments capable of affecting the perception that the general public has of the independence of the judiciary**

### **B. Quality of justice**

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

Some amendments and additions to the Legal Assistance Act (LAA) are in force since 27 December 2022, prom. SG No. 102/23.12.2022, which regulate out-of-court methods for resolving disputes as part of effective legal remedies for defending citizens for whom the costs of bringing a case before the court are too high. The scope and field of application of the types of legal assistance in out-of-court procedures and proceedings has been expanded: administrative criminal proceedings, administrative proceedings for issuing and appealing an individual administrative act, in proceedings before non-judicial bodies – arbitration and others, as well as in mediation procedures. The range of persons with access to legal assistance was expanded, including persons with temporary protection status under the Asylum and Refugees Act, persons deprived of their legal capacity or whose deprivation is claimed, persons with physical and mental disabilities. Citizens have been exempted from reimbursement of legal assistance costs in favor of the National Legal Assistance Bureau, in cases where they have been granted legal assistance for social reasons - lack of means to pay an authorized lawyer.

In order to control the quality of legal assistance and the appropriate spending of state funds for legal assistance, the changes in the LAA regulate procedures for termination of legal assistance, replacement and dismissal of an appointed lawyer - the grounds and the parties at whose request the procedure is initiated.

An upgrade of the Central Automatic Information System was launched as a result of which the scope of the official and electronic certificate for citizens has been expanded, providing for the issuance for convicted persons, as well as for persons born outside the territory of the country who own Bulgarian citizenship. Hence, each citizen can apply for and receive a criminal record certificate electronically from anywhere in the country, regardless of his or her place of birth and address registration and regardless of whether he or she has been convicted or not by upgrading of a new electronic service provided by the Ministry of Justice through the centralized automated information system "Judicial Status".

The updated system is linked to ECRIS (European Criminal Records Information System). Thus, information on convicted Bulgarian citizens on the territory of EU countries will be recorded in the "Judicial Status" system in a timely manner and will be accessible to all criminal records offices.

The migration of the data with the "Execution of Penalties" information system will significantly shorten the time for receiving a reply to the criminal records offices on whether a person has served his/her sentence.

The Unified Court Information System is also to be integrated into the "Court Status" system, so that criminal records from the whole country will be received there directly.

#### **13. Resources of the judiciary (human/financial/material)**

In connection with the functioning of the European Prosecutor's Office and the European delegated prosecutors in the Republic of Bulgaria, the PVSS was given property for management, located at 134, Georgi Sava Rakovski St. in Sofia.

Upon a request by the Supreme Judicial Council, on 3 January the Ministry of Justice provided a real estate of 14 000 square meters in Varna for the construction of a court house.

#### **14. Training of justice professionals (including judges, prosecutors, lawyers, court staff)**

From 31 January to 1 February 2022 a round table was held at which the developed standards for judicial training for effective execution of judicial, prosecutor, investigating posts and administrative head office in the judicial authorities were presented. The standards were

adopted by the Management Board of the NIJ on 21 March 2022 and they became the basis for the determination of the objectives and the educational content of the overall educational activity of the Institute.

With the support of the Justice Program of the Norwegian Financial Mechanism 2014-2021 in 2022, NIJ established the Human Rights Forum as a sustainable platform for information exchange and expert support in the field of fundamental rights protection and the rule of law. The Forum formed a multi-professional community of judges, prosecutors, investigators and experts as follows:

- Justice for children;
- Judicial ethics and integrity;
- Implementation of fundamental rights.

In 2022, within the ongoing training of magistrates and judicial administration, 224 pieces of training were conducted in face-to-face, distance and hybrid form, in which 7 225 magistrates, court officials and other representatives of the professional community took part.

137 candidates for junior magistrates underwent mandatory 9-month training; 29 newly appointed magistrates underwent mandatory induction training and 100 magistrates participated in promotional training.

The United Nations Office on Drugs and Crime (UNODC) provided the NIJ with the self-study course "Judicial Conduct and Ethics". The Commentary on the Bangalore Principles and the Trainers' Manual was translated and adapted by Bulgarian court trainers. The self-training resource is published in the e-learning Portal of NIJ and is available to the Bulgarian magistrates 24/7.

In 2022, the established 7 research communities of the NIJ finalized work on the following topics: *“Exercise of the power of the Bulgarian courts to refer questions for a preliminary ruling to the Court of Justice of the EU in civil and commercial matters”*, *“Exercise of the power of the Bulgarian courts to refer questions for a preliminary ruling to the Court of Justice of the EU in criminal matters”*, *“Exercise of the power of the Bulgarian courts to make references for a preliminary ruling to the Court of Justice of the EU on administrative matters”*, *“Analysis of the case-law of the courts of appeal in proceedings for the resumption of criminal cases within their jurisdiction under the ASA of CPC (prom., SG No. 42 of 2015)”*, *“Types of acts of the Supreme Judicial Council under Section II and Section II A under Ch. 9 of the Judiciary Act. Procedure for issuing administrative acts, judicial review according the conformity with the law”*, *“Use of special intelligence means at the request of the Prosecutor’s Office for the period 2015 – 2020”* and *“Security proceedings and proceedings in a disputed judicial administration under the Family Code”*.

There were 5 meetings by appeal regions, in which 605 representatives of the professional community took part, representing a tool to promote professional discussion among judges, including on ethical issues.

In connection with the changes in Art. 321 of the PC of 28.07.2022. a series of pieces of training on the problems of organized criminal activity with the participation of 214 representatives of the professional community was held.

During the regular training sessions of junior judges, prosecutors and investigators, practical issues arose after the first year of their term of office. The program included current substantive, procedural, organizational issues and ethical issues related to the work of junior magistrates.

On the occasion of the 30-year anniversary of Bulgaria’s accession to the European Convention on Human Rights, the Institute organized a series of meetings-discussions with the Bulgarian judge at the European Court of Human Rights, Yonko Grozev, dedicated to the current trends in the case-law of the Court.

On the occasion of the 70-year anniversary of the Court of Justice of the European Union and on the initiative of the President of the Supreme Court of Cassation Galina Zakharova and with the participation of Alexander Arabadzhiev - judge of the Court of Justice of the EU, Alexander Kornezov - judge of the General Court of the EU and Pavlina Panova - President of the Constitutional Court of the Republic of Bulgaria, on 18 November 2022, NIJ organized the

“*Dialog between the national courts and the Court of Justice of the European Union*” forum, which included judges of the Supreme Court of Cassation, of the courts in the country and members of the Bulgarian Association for European Law.

NIJ coordinates the participation of 23 magistrates and judicial officials in training sessions organized by partner judicial schools in Member States on topics in the scope of judicial independence, the rule of law, ethics and human rights.

With the support of the USA Embassy, the Handbook on Independence, Impartiality and Integrity in Justice is translated into Bulgarian – a publication of the Institute in Prague for Central and Eastern Europe (CEELI).

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

By order of the Minister of Justice<sup>27</sup>, a working group was formed with the task of to draft amendments to the Judiciary Act, which aims to guarantee the smooth operation of the judiciary in the process of introducing real and full electronic justice. The amendments in turn will also reflect on the e-Justice framework in the Civil Procedure Code, the Criminal Procedure Code and the Administrative Procedure Code.

The draft of the JA’s ASA in the e-Justice section was published for preliminary public consultations in the beginning of August 2022. It is published on the public consultation portal with 23 January 2023 being the date for completion of the consultations.

On 7 December 2022, the Committee on Legal Affairs in the National Assembly discussed and adopted in the first vote a Draft Law on Amendments and Supplements to the Civil Procedure Code, concerning the warrant proceedings and, in particular, easing the uneven workload of district judges and speeding up the proceedings, as well as introducing a modern, functional and centralized electronic system for managing the warrant proceedings.

On 21 December 2022, the deputies discussed in plenary a Draft Law on Amendments and Additions to the Code of Civil Procedure concerning warrant proceedings, but due to the exhaustion of the plenary session time, no vote on the texts was taken.

By decision of 15 September 2022. The Plenum of the SJC established a working group to prepare and submit by 31 December 2022 a draft of the necessary amendments to the Regulations on the Administration in the Courts, Ordinance № 4 /16.03.2016, Ordinance № 5 on the organization and procedure for keeping, storing and accessing electronic files and the manner of storing evidence and evidentiary documents in cases, as well as the internal circulation and storage of other information processed by the court administration, and Ordinance № 6 on the performance of procedural actions and certification statements in electronic form, as well as to prepare a technical assignment for the design and construction of the module "Warrant proceedings" in the Unified Court Information System (UCIS).

Under the project "Development and Implementation in the Judicial System of Software for Accelerated Creation and Reproduction of Acts and Other Documents through Dictation and Automatic Conversion of Voice Recording into Text /voice-to-text/ and Accompanying Processing Systems", under which the SJC is the beneficiary, activity 1 - "Preparation of a technical specification with functional and technical requirements for the design, development and implementation of software for accelerated creation and reproduction of court acts and other documents through dictation and automatic voice-to-text conversion" was implemented.

In connection with the accelerated digitalisation of justice, in 2022 NIJ organized a series of training sessions dedicated to e-Justice, the work with the Unified Information System of the courts, the e-learning methodology and the work with various software products in the judicial system.

Upon a NIJ initiative in the period July – October 2022 43 self-training videos have been developed<sup>28</sup> to work with the Unified Information System of courts for judges and judicial officials.

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<sup>27</sup> Order № LS-13-128/18.11.2021 of the minister of justice

<sup>28</sup> available 24/7 in the NIJ e-learning Portal, with 185 current users of these resources

**16. 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)**

By decision of 31 May 2022, the Judicial College of the Supreme Judicial Council amended and supplemented the Methodology for Control and Verification of Statistical Data Reporting the Activity of Judicial Bodies and Judges in the Republic of Bulgaria in the part related to the Indices for the Results of Instance Verification of Judicial Acts and the Guidelines for their Placement in Accordance with the Rules for Determination and Placement of Indices of Judicial Acts for the Results of Instance Verification and Reopening Proceedings in Criminal Cases.

In connection with the closing of the specialised bodies of judiciary, the adopted Law on Specialised Justice, into force since 28 July 2022, the jurisdiction in Article 35 of the Criminal Procedure Code of the District Court and Sofia City Court as the first instance changed. This necessitated an amendment to Annex No. 2 to the Rules for the assessment of the workload of judges, thus preventing the risk of District Court and Sofia City Court to receive cases to be initiated by codes that are not in the nomenclature of the "Unified Information System of Courts". With the amendment to the annex, the cases were divided into groups according to their severity coefficient.

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

By decision of 11 May 2022 the Judicial College of the SJC:

- opens a procedure for optimization of the structure and organization of the activity of the regional courts of the judicial district of the District Court - Stara Zagora and more precisely for the possibility of unification by merging the District Court Galabovo to the District Court Radnevo and the related change in the boundaries of the judicial district of the District Court Radnevo;

- initiates a procedure for optimization of the structure and organization of the activity of the district courts of the judicial district of Yambol District Court and Haskovo District Court and more precisely for the possibility of merging the District Court - Elhovo and the District Court - Topolovgrad or the District Court - Topolovgrad and the District Court - Harmanli and the related change in the boundaries of the judicial district of the district courts in Elhovo, Topolovgrad and Harmanli, as well as the Yambol District Court and the Haskovo District Court;

- initiates a procedure to optimize the structure and organization of the activity of the district courts of the judicial district of Dobrich District Court and, more specifically, the possibility of unification through the merger of Kavarna District Court to Balchik District Court and the related change in the boundaries of the judicial district of Balchik District Court.

By decisions of 31 May 2022 and 22 July 2022, the Judicial College of the SJC:

- opens a procedure for optimization of the structure and organization of the activity of the regional courts of the judicial district of Gabrovo District Court and more precisely for the possibility of restructuring of RS-Tryavna by merging RS-Tryavna with RS-Gabrovo and opening a territorial division in the town of Gabrovo. Tryavna to RS-Gabrovo or by merging RS-Tryavna and RS-Dryanovo with RS-Gabrovo and opening territorial divisions in RS-Gabrovo. Tryavna and Gabrovo. This would entail a change in the boundaries of the judicial district of Gabrovo District Court.

In this regard, public discussions have been held with the local authorities, the professional community, the business community and citizens, who have united around the opinion that the closure of courts is a legally, economically and socially unjustified action that will have an extremely negative effect on the local population and business. By decision of 11 October 2022. On 11 February 2022, the Judicial College of the SJC took note of the opinions expressed on the optimization of the structure and organization of the activity of the district courts of the judicial district of Stara Zagora District Court, Yambol District Court, Haskovo District Court, Dobrich District Court and Gabrovo District Court.

To optimize the structure of the district prosecutor's offices, as of 1 June 2022, upon a proposal of the SJC Prosecutor's College, the SJC's Plenum by a decision of 17 February 2022 the District Prosecutor's Office in Etropole, the District Prosecutor's Office in Ihtiman, the District Prosecutor's Office in Pirdop, the District Prosecutor's Office in Svoge, the District Prosecutor's Office in Slivnitsa, all of which at the Regional Prosecutor's Office Sofia were closed.

As of 1 June 2022, by the same SJC Plenum's decision, the judicial regions of the district prosecutor's offices with territorial departments are determined: District Prosecutor's Office in Botevgrad, District Prosecutor's Office in Elin Pelin, District Prosecutor's Office in Samokov, District Prosecutor's Office in Kostinbrod.

The decision has set up to the prosecutor's offices mentioned above, as of 1 June 2022, for the Regional Prosecutor's Office Sofia: territorial department in the city in Etropole to the DPO in Botevgrad, territorial department in Pirdop to the DPO in Elin Pelin, territorial department in Svoge to the DPO in Kostinbrod, territorial department in Slivnitsa to the DPO in Kostinbrod, territorial department in Ihtiman to the DPO in Samokov.

### **C. Efficiency of the justice system**

#### **18. Length of proceedings**

**Other- please specify**

## **II. Anti-Corruption Framework**

**19. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the anti-corruption framework (if applicable)**

• ***On the recommendation: "Continue the implementation of measures to improve the integrity of the specific sectors of the public administration, including measures tailored to the police and the judiciary"***

The Ministry of Justice has drafted amendments to the JA, which aims to strengthen the role of the ISJC in preventing and combating corruption in the judiciary, elaborated in the implementation of an NRRP milestone.

The bill was submitted to the National Assembly on 24 October 2022 and on 23 November 2022 it was adopted at first voting by the Legal Affairs Committee at the National Assembly.

The opinion of the Venice Commission on the draft amendments was adopted at its 132 plenary sessions.

The bill stipulates:

- the introduction of an explicit power of the respective colleges of the Supreme Judicial Council (SJC) in Art. 30, para.5 of the Judiciary Act (JA) to adopt a Code of Ethical Conduct for Bulgarian Judges, respectively a Code of Ethical Conduct for Bulgarian Prosecutors and Investigators;

- supplement to Art. 54 of the JA, according to which the Inspectorate of the Supreme Judicial Council (ISJC) together with the Commissions on Professional Ethics of the respective colleges of the SJC will annually summarize good and bad practices regarding compliance with ethical rules, in accordance with relevant European and international standards, as the ISJC provides this information to the SJC colleges. On the basis of this review, the power of the Inspectorate to the Supreme Judicial Council is stipulated to make proposals to the respective college of the Supreme Judicial Council for amendment and supplement of the Code of ethical conduct of Bulgarian judges, respectively the Code of ethical conduct of Bulgarian prosecutors and investigators;

- the adoption of a procedure for regular reporting and publication of the results of the analysis and the summary of the closed cases, as well as the ISJC to adopt a model for reporting

of the closed cases within statutory time limits when carrying out its activities under Art. 54, para 1, item 2, after consultation with the SJC;

- organizing and conducting anti-corruption training by the ISJC, as well as training for strengthening the integrity and independence of judges, prosecutors and investigators and conflict of interest.

In 2022, 12 inspections have been carried out under Chapter nine, Section Ib of JA, 3 of which have been concluded with proposals to engage the disciplinary liability of magistrates; 4 have been completed by a decision for termination of the inspection due to lack of sufficient data for a committed violation under Art. 175k of JA and 5 files have not expired the deadline for carrying out an inspection.

6 pieces of training are conducted on the topic: *“Practical questions on the declaration of assets and interests by judges, prosecutors and investigators. Role of the declarations in the prevention of conflict of interest and counteraction to corruption in the judiciary”*.

In order to prevent and counteract the conflict of interest in the judiciary, the ISJC continues to work on the implementation of the project under OPGG *“Providing software and methodological security and building of the administrative capacity of the ISJC for prevention of corruption in the judiciary”*. As a result of the implementation of the project, an electronic public register of recusals (EPRR) is established, accessible through an Internet register, which publishes information on the judicial acts containing the adjudication of the court on the recusals requested by the parties in the cases and the reasons by which they were respected or not, as well as the judicial acts objectifying the recusals at the initiative of the court (self-recusals); Internal rules for carrying out integrity and conflict of interest checks and for establishing actions that damage the prestige of the judiciary and checks related to violation of the independence of judges, prosecutors and investigators from the ISJC teams have been adopted; Internal rules for the verification of the asset declarations of the judges, prosecutors and investigators from the ISJC have also been adopted. Work is ongoing on the development of the second register – an electronic public register of electronic declarations, which will ensure online filing of declarations of assets and interests by magistrates.

• ***On the recommendation: “Ensure that the institutional reforms of the Anti-Corruption Commission and the specialised judicial authorities lead to an improved effectiveness of investigations and a robust track-record of prosecution and final judgments in high-level corruption cases”***

According to the draft Act on Anti-Corruption among Senior Public Office Holders, the operation of the new Anti-Corruption Commission (ACC) is two focused in two areas. First of all, the activities of the ACC are related to the implementation of a policy on prevention of corruption by collecting and analyzing information about national anti-corruption policies and measures, developing and proposing measures for prevention and counteraction of corruption and coordination of their implementation. The other main direction is related to the detection and investigation of certain crimes, characterized as corrupt, committed by senior public office holders. The bill stipulates the investigation to be carried out by officials of the ACC, appointed as “investigating inspector”. They will be investigative bodies within the meaning of the Code of Criminal Procedure, similar to investigative police officers and investigating customs inspectors. Ensuring that investigations are conducted effectively is that they will be limited in two respects: subject matter – in respect of corruption crimes, and subject – in respect of persons holding senior public positions.

For the first time, the possibility is introduced in case of refusal to initiate pre-trial proceedings in cases of corruption crimes committed by persons holding senior public positions, confirmed by the higher prosecution office, the ACC to appeal this refusal to the relevant court of first instance, whose order is final. Upon revocation of the refusal decree, the court return file to the prosecutor with mandatory instructions regarding the application of the law. The confirmation of the decree by the court shall not prevent the opening of pre-trial proceedings if the prosecutor or a prosecutor from the higher prosecution office find out new circumstances.



The draft Law on Countering Corruption among Senior Public Office Holders (SPOH) was approved by the Council of Ministers on 1 November 2022. It was adopted at first reading in plenary on 7 December 2022.

The draft was presented to the secretariat of GRECO within the framework of the Fifth Evaluation Round of the Republic of Bulgaria, and in its report the evaluation team gives a positive assessment of the provisions of the draft law on the Commission establishment.

In addition, we provide information from the prosecutor's office contained in **Annex 2** to the contribution.

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

**20. 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 authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO.**

Measures taken to cooperate effectively with the EPPO in 2022:

- Secure the activities of the European Delegated Prosecutors in Bulgaria: The Ministry of Justice initiated the adoption of amendments to the JA to solve the issues raised by the European Delegated Prosecutors in Bulgaria <sup>29</sup>. These ensure that the European Delegated Prosecutors are granted their own budget, their own administration, their own secret registry and their own premises.

On 12 October 2022, the Council of Ministers adopted a decision granting building to the Supreme Judicial Council for the needs of the activities of the European Delegated Prosecutors in Bulgaria for free.

- Notifications under Regulation (EU) 2017/1939 of 12 October 2017 on the implementation of enhanced cooperation on the establishment of the European Public Prosecutor's Office (EPPO Regulation):

In order to extend the scope of the national authorities competent for the purposes of implementing the EPPO Regulation and the reporting channels of criminal offenses within the competence of the EPPO, the MoJ amended the relevant notifications under Art. 117 of Regulation (EU) 2017/1939 of 12 October 2017 on the implementation of enhanced cooperation on the establishment of the European Public Prosecutor's Office.

In accordance with the requirement for notifications under Art. 104 of the EPPO Regulation, the MoJ shall notify the EPPO as a competent authority in relations with third parties under the European Convention on Mutual Assistance in Criminal Matters of 1959 and its protocols.

In accordance with the requirement for notifications under Art. 105, para. 3 of the EPPO Regulation, the MoJ shall notify the EPPO as a competent authority in relations with EU Member States not participating in the enhanced cooperation on the establishment of the EPPO in accordance with Art. 34 of the Treaty on European Union, on mutual assistance in criminal matters between the Member States of the European Union and the Protocol of 16 October 2001 to the Convention. Bulgaria has made all the necessary notifications under the Regulation.

On 9 February 2022 an Instruction for the organization of the activities of the Prosecutor's Office of the Republic of Bulgaria in files and cases related to crimes affecting the financial interests of the European Union and for the interaction with the European Public Prosecutor's Office is approved<sup>30</sup>. The purpose of the Instruction is to set up an organization for: achieving timeliness and effectiveness in the conduct of checks and criminal proceedings by the prosecution offices in the country related to crimes that affect the financial interests of the EU; ensuring the interaction with the EPPO in strict compliance with the conditions and deadlines provided for in Council Regulation No 2017/1939 on implementing enhanced cooperation for

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<sup>29</sup> prom. SG No. 62 of 2022.

<sup>30</sup> Order No RD-02-01 of 09.02.2022 of the Prosecutor General.

the establishment of the European Public Prosecutor's Office<sup>31</sup>; aligning the prosecution practice and introducing a uniform standard in the interaction and exchange of information with the European Public Prosecutor's Office.

In accordance with the recommendations of the Report drawn up as a result of the analysis of the current state and the conditions enabling the PORB to ensure an effective criminal investigation in accordance with the standards of the ECHR, incl. the normative environment has been approved, and the implementation of a timing diagram plan has been undertaken, which outlines specific measures of organizational, methodological, training and qualification aspect. An internal organization has been established by order of the Prosecutor General<sup>32</sup> to permanently ensure conditions for increasing the effectiveness of the investigation in accordance with the standards of the ECHR and the case-law of the European Court of Human Rights (ECHR); for the timely communication and manifestation of the necessary activity to secure the procedural actions of the government agents of the MJ in cases brought before the ECtHR against Bulgaria and for the implementation of the judgments of the ECtHR in cases against Bulgaria, where the subject matter of the appeal or case is an ineffective investigation in criminal proceedings.

An instruction for organization of the work of the PORB in files and pre-trial proceedings initiated for trafficking in human beings is approved<sup>33</sup>, aiming to create a unified mechanism in connection with the conduct and supervision of cases for trafficking in human beings; effective protection of victims of this crime; overcoming the difficulties in the prosecution practice; strengthening the capacity to work in cases in trafficking in human beings, improving the inter-institutional, inter-agency and international cooperation in such cases.

- Procedure for selection of European Delegated Prosecutors from Bulgaria:

The total number of European Delegated Prosecutors (EDP) from Bulgaria under Art. 13, para. 2 of the EPPO Regulation increased from 10 to 15. At the moment, there are 8 EDPs. Following a selection procedure<sup>34</sup> for six European Delegated Prosecutors from the Republic of Bulgaria, three new candidates were nominated, whose applications were submitted to the attention of the European Chief Prosecutor.

Regarding the Commission for Anti-Corruption and Illegal Assets Forfeiture, in December 2021, a cooperation agreement has been concluded with the European Public Prosecutor's Office (EPPO). In addition to criminal proceedings, the interaction is also carried out in the forfeiture of illegally acquired property.

The Commission continues its cooperation with international organizations and networks, as in December 2022 CACIAF has officially joined the International Association of Anti-Corruption Agencies (IAACA).

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

The draft Law on Countering Corruption among persons holding senior public positions was submitted to the 48 National Assembly with a signature reg. № 48-202-01-27 of 1 November 2022 and it was adopted by the National Assembly at first reading in the plenary hall.

The bill on counter corruption among persons holding senior public positions, proposing different from the previously established ways of forming the composition of the ACC as a collegial body. In order to ensure its functional independence, it is envisaged that two of its members will be elected by the Parliament, one appointed by the President of the Republic, and one elected by the General Assembly of Judges of the Supreme Court of Cassation, accordingly, at the General Assembly of the judges of the Supreme Administrative Court. In order to ensure a transparent procedure for members of the quotas of the General Assemblies of the Supreme

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<sup>31</sup> Prom., OJ of 31.10.2017

<sup>32</sup> Order No RD-04-163 of 10.06.2022 of the Prosecutor General.

<sup>33</sup> Order No RD-02-22 of 18.10.2022 of the Prosecutor General.

<sup>34</sup> open by a decision of the Prosecutor's College of the Supreme Judicial Council under Protocol № 29/27.07.2022

Court of Cassation and the Supreme Administrative Court, it is envisaged that the election of the two members of the commission of these quotas will be carried out under rules adopted by the general assemblies of the two supreme courts.

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

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

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

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

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

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

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

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

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

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

Information is set out in **Annex 3** to the contribution.

### **B. Prevention**

## **23. Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training). Please provide figures on their application.**

In 2022, two analyzes have been prepared on prevention and increase of integrity in the judiciary:

1. Analysis of the ISJC practice in 2021 under Chapter nine, Section Ia and Section Ib of the JA, which sets out good and bad practices with regard to the observance of ethical rules of conduct by judges, prosecutors and investigators in relation to the declaration of their assets and interests and in relation to compliance with ethical rules, in accordance with established European and international standards;

2. An analysis of the SAC practice on the application of the Code of Ethical Conduct of Bulgarian Magistrates (CECBM) for the period 2017-2021, in which the behavior of magistrates is identified, which will serve to update the CECBM, to take measures of a legislative nature to create a mechanism for deontological prevention, as well as for rethinking the application of Art. 324 of the JA regarding the disclosure of the effective decision on disciplinary proceedings<sup>35</sup>.

In 2022, on the basis of art. 13, para. 1, item 5 of the AFAA, the CACIAF has held 11 decisions on verified alerts in relation to the declarations of incompatibility of the senior public office holders and has referred the selection or appointment authority to take appropriate action.

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<sup>35</sup> <http://www.inspectoratvss.bg/bg/page/16>

**24. 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)**

The National Recovery and Resilience Plan envisages the “*Entry into force of legislative measures to regulate lobbying activities*”, with December 2023 being the deadline for the implementation of the measure.

The measure envisages the preparation and introduction of legislative measures to regulate lobbying based on good practices from other European countries. Legislative measures for regulating lobbying activities in the Republic of Bulgaria in the context of public decision-making will be drafted by a working group set up at the Ministry of Justice..

The measure is also part of “Priority 6. Creating an environment for public intolerance to corruption” of the National Strategy for Prevention and Counteraction of Corruption 2021 – 2027

**25. Rules and measures to prevent conflict of interests in the public sector. Please specify the scope of their application (e.g. categories of officials concerned)**

Internal rules for receiving and considering alerts on corruption or conflict of interest have been adopted by a decision of the CACIAF and for the protection of whistleblowers which aim to ensure acceptance, registration and consideration of each alert in accordance with the requirements of Art. 47 and Art. 48 of the AFAA, in compliance with the principles under Art. 4 of the Act, as well as to ensure protection of the whistleblowers, in accordance with Art. 49 and 50 of the AFAA.

A publication in the mass media shall also be accepted as an alert if it meets the conditions under Art. 48, para. 1, item 2-4 of the AFAA, by carrying out daily media monitoring, on equal treatment of all media, for publications containing data on corruption or conflict of interest concerning senior public office holders.

In order to ensure publicity and accessibility, the official website of the CACIAF has developed a section “Alerts”, which provides an opportunity for online reporting of corruption and/or conflict of interest. The internal rules are published, as well as a sample of the alert.

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

A draft law on the Protection of Persons who File Alerts or Publicly Disclose Information on Violations was approved by the Council of Ministers by Decision № 709 of 29 September 2022. The draft law was submitted for consideration in the National Assembly, adopted on the first vote by the Commission on legal issues, Commission on Prevention and Combating Corruption and Commission on Economic and Social Policy and rejected in the hall in the National Assembly, at the first vote, on 14.12.2022. On 20 January, a bill on whistleblowers protection that had been submitted by MPs was adopted at first reading in plenary.

Internal rules for the protection of the identity of persons who have submitted an alert for review in accordance with Chapter Nine, Section Ib of the JA<sup>36</sup>, approved by the Inspector General, are in force within the framework of the ISJC.

The alerts received in the CACIAF containing data on corruption and conflict of interest for persons holding senior public positions, as well as media publications accepted for alerts, are registered in a special register, with only certain persons having access to it. Employees assigned activities from the receipt to the ruling on received alerts offer their immediate superior specific measures to protect the identity of the whistleblower and, if necessary, and in the availability of data - measures aimed at preventing actions, through which physical and/or mental pressure is imposed. Each whistleblower has the right to signal the CACIAF in case of pressure or other actions under Art. 51 of the AFAA, exercised against him as a result of the submission of this alert.

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<sup>36</sup> <http://www.inspectoratvss.bg/bg/page/123>

**27. List the sectors with high-risks of corruption in your Member State and list the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. public procurement, healthcare, citizen investor schemes, 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)**

In 2022, a total of 561 measures are planned in the anti-corruption plans of the agencies.

The analysis found that the corruption risks specifically identified by the departments were divided into fields as follows:

- 73 risks in field 1 “Corruption risk – management, disposal or spending of budgetary funds and assets, incl. procurement”;
- 129 risks in field 2 “Corruption risk – carrying out control activities”;
- 46 risks in field 3 “Corruption risk – provision of administrative services, concessions, issuance of licenses and permits, registration regimes”;
- 13 risks in field 4 “Corruption risk – competitive procedures/competitions for entering persons in registers or for performance of legally regulated professions”;
- 39 risk in field 5 "Corruption risk - gaps in laws and unclear regulations, prerequisite for contradictory interpretation and/or application of normative acts";
- 58 risk in field 6 "Other measures in view of the specific risks in the relevant departments";
- 87 risks in field 7 "Publicity measures".

As a result of the process of aggregation and grouping of a total of 445 specifically identified corruption risks the departments synthesized a list of 64 corruption risks, related to the fields of the model of the anti-corruption plan.

In order to prevent and counteract, as well as reduce the impact of the identified corruption risks in the Anti-Corruption Plan of the NRA for 2022 a total of 30 measures are included, some of which include:

- Timely identification of possible corrupt practices and violations in the process of awarding and executing public procurement by conducting an Inquiry for research and receiving active feedback on the activities under the Public Procurement Act, in the NRA system<sup>37</sup>. ;
- Carrying out control activities – the measures are aimed at reducing the risk of corrupt practices, removing/minimizing the subjective factor of control of legality and expediency through:
  - Rotation of revenue bodies from the “Control” function and rotation of employees, performing selection and ongoing selection of retail outlets for carrying out inspections, of employees carrying out checks on goods with high fiscal risk and inspections at retail outlets. Assignment of inspections on a random basis, joint inspections with other control authorities. Rotation of revenue bodies in the administration of licensing activities under the Gambling Act;
  - Carry out unannounced inspections by the immediate superiors of the revenue authorities at the places of unloading/receiving of goods with high fiscal risk and real-time control of the employees of “Fiscal control” DG at fiscal control posts located at the BCP;
  - Monitoring in the territorial directorates on the automated allocation of audits or inspections;
  - Sending letters of notification to the persons liable and organizing meetings with business representatives in order to timely terminate and prevent the conduct of illegal actions leading to involvement in tax fraud and abuse;
  - Limiting the subjective designation of a responsible public executor for securing and collecting public liabilities of new debtors through the automated functionality which ensures the process;
  - Development and implementation of functionality for mandatory approval by the head of orders for the termination of an executive case, due to expired statute of limitations or uncollectibility of public debts;

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<sup>37</sup> The inquiry is available on the Agency’s website via the following link: <https://nra.bg/wps/portal/nra/za-nap/profil-na-kupovacha>

- A survey on the attitudes of the business toward the control actions of the NRA, which is available on the Agency's website<sup>38</sup>.

- Provision of easy and timely access to administrative services, as well as to the necessary information provided by the administration; reduction of direct contact between employees and clients, respectively the possibility of corruption through:

- Provision of access to registers and reports maintained by the NRA in the environment of inter-registration exchange – RegiX;

- Extending the scope of electronically supplied services with QES and/or PIC;

- Automated services and opportunities for obtaining reports and automatic information in continuous mode (24/7) on the information phone of the NRA.

- Loopholes in laws and unclear regulations, which are a prerequisite for contradictory interpretation and/or application of the normative acts – the measures envisaged in this field are aimed at timely initiating legislative changes in order to avoid regulatory gaps, as well as to clarify the provisions for their proper implementation through:

- Changing legislation to avoid contradictory practice and filling regulatory gaps;

- General opinions prepared for unification of the practice of the revenue authorities and public contractors;

- Preparation of annual and extraordinary analyzes of the administrative practice of the NRA and the case law;

- Limitation of personal contact when servicing documents issued by NRA authorities and public contractors, as well as to achieve awareness of the persons liable in order to reduce direct contact with the administration through:

- Service of documents by electronic means issued by employees in the functions "Control", "Collection", "Servicing" and "Supervision on gambling and gambling activities";

- Conducting notification campaigns to persons liable in order to increase the awareness of the clients and reduce the corruption risk.

- Publicity measures – the measures envisaged are aimed at reducing direct contact with the administration, as well as observing the principle of transparency in the activity of the administration related to real estates confiscated and forfeited in favor of the state.

- Training of NRA employees with focus on anti-corruption – the training provided aims to build knowledge and skills in order to effectively counter corruption practices and training.

In 2022, in cooperation with the “Reforms” Directorate-General of the European Commission, the NRA was implementing a project named “Development and implementation of a methodology for assessing corruption risk in the National Revenue Agency of the Republic of Bulgaria”, under which the beneficiary is the Inspectorate and Directorate “Human Resources Management”, HQ of NRA. In the implementation of the project, potential areas of corruption risks in the work of the NRA have been identified. A pilot study and research are conducted on the attitudes of NRA employees and clients of the Agency to identify potential areas of corruption risks in the work of the NRA. Specialized pieces of training for the employees of the two structural units have been conducted by the contractor under the contract, who will apply the methodology for assessing the corruption risk. The results of the pilot implementation of the methodology have served in the development of an anti-corruption plan of the NRA for the next year.

The Customs Agency is also directly involved in the prevention and counteraction of corruption and, within its competence, implements the following measures<sup>39</sup>:

- Carrying out internal checks on alerts received by the Agency for illegal acts of customs officers and taking the statutory actions in case of detection of violations;

- Carrying out analysis and checks on the information on property and income of the customs officers, provided by the NRA to the Customs Agency, pursuant to Art. 42, para. 1 of the Customs Agency's Rules of Procedure;

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<sup>38</sup> <https://nra.bg/wps/portal/nra/kontakti/connection.nap/surveys/polls>

<sup>39</sup> Detailed information on the measures implemented by the Customs Agency are reflected in the Anti-Corruption Plan of the Customs Agency, available on the Agency's website at the following address: <https://customs.bg/wps/portal/agency/home/anticorruption>.

- Conducting anonymous surveys with carriers and passengers passing through the BCP in order to obtain information about the activities of the customs administration, incl. possible corruption practices;
- Conduct a study on the evaluation of internal policies and measures to counter corruption risks at the Customs Agency, together with the Center for study on Democracy;
- Maintaining a “Hot line” for reporting possible misconduct of employees;
- Carrying out a study of professional and psychological fitness in the appointment and promotion in the Customs Agency;
- Rotation of customs officers in accordance with the Customs Agency’s Rules of procedure.

Regarding the Public Procurement Agency, an obligation has been introduced for the members of the evaluation commission to declare the absence of any conflict of interest with the candidates or participants and with the persons representing them, as well as a self-recusal obligation. The existence of a conflict of interest that cannot be removed is a mandatory ground for exclusion of participants/candidates. Specific grounds for exclusion are also the existence of connectivity within the meaning of para. 2, item 45 of the SP of the PPA between candidates / participants in a specific public procurement, non-compliance with the prohibition under Art. 3, item. 8 of the Act on Economic and Financial Relations with companies registered in jurisdictions with preferential tax regime, the persons controlled by them and their beneficial owners, as well as the presence of circumstances under Art. 69 of the AFAA. The assignor may include in the terms of the contract an additional ground for exclusion of candidates/participants identified by a competent authority as having entered into a secret agreement distorting the competition.

The awarding of public procurement in Bulgaria is carried out entirely electronically through the national platform Centralized automated information system “Electronic Public Procurement”. An innovative approach has been used to ensure the protection of information - submitted applications/offers by economic operators are contained in databases only in encrypted form until they are opened by the commission. The functionalities of the platform are realized so that the replacement and/or unauthorized editing and/or access to documents are technically limited.

On 14 December 2022, draft amendments to the Public Procurement Act were adopted at first reading in Plenary. The bill provides for measures to curb vicious practices, increase competition and transparency in public procurement, including: Strengthening the preliminary and subsequent control over the conducted public procurement; increasing the sanctions in case of established violations of the law when awarding through negotiated procedures; refining of texts concerning the exceptions to the scope of the PPA; introducing new administrative penal provisions, etc.

In the period from 31.05.2022 until 03.06.2022 a meeting of the Fifth evaluation round of the Group of States Against Corruption (GRECO) of the Council of Europe had been held on the topic: “*Prevention of corruption in central governments (senior executive officials) and law enforcement agencies*”. Monitoring refers to issues related to policies, legal and institutional framework for the prevention of corruption, conflict of interest, the prohibition of performing certain activities, the declaration of property and the accountability of the respective categories of persons. The report will be published on the website of GRECO and the Ministry of Justice.

## **28. Any other relevant measures to prevent corruption in public and private sector**

In 2022, in the course of a conciliation procedure with the CACIAF, 97 bills prepared by the executive authorities were analyzed, in 13 of which shortcomings were identified of the legal norms that can generate corruption risk and 33 proposals for revision of the texts and 2 recommendations were made.

For each of the 11 laws analyzed in 2022, the interested parties (importer, state authorities and other organizations and persons who apply the law and for whom it creates rights and obligations) are identified and they are invited to submit opinions and impact assessment.

## **C. Repressive measures**

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

The Bulgarian Criminal Code criminalizes bribery of officials, including bribery of foreign officials<sup>40</sup>, bribery in the private sector<sup>41</sup>, influence trade<sup>42</sup>, embezzlement<sup>43</sup>, possession<sup>44</sup>, abuse of office<sup>45</sup>, money laundering with a predicate corruption offense<sup>46</sup>. Sanctions for these crimes include imprisonment, imposition of a fine, confiscation of part or all of the property of the sentenced person and deprivation of the right to hold a certain state or public office or to exercise a certain profession or activity. In minor cases, imprisonment may be replaced by probation. In 2022, no such legislative changes have been made.

Building on the existing information system to ensure the collection and storage of information on requests for international cooperation in cases of bribery of foreign officials, including the crime in connection with which the request is made, necessary for their implementation and the nature of the assistance sought is carried out.

A proposal has been made to the National Institute of Justice for planning upcoming training to include topics concerning the investigation and prosecution of criminal offenses related to bribery, including foreign officials, as well as bribery related other crimes, international cooperation in the investigation of such crimes, as well as the tracking of direct and indirect benefits acquired by the offender, respectively enrichment of legal entities by such crimes.

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

By order of 28.06.2022 of the SCC president, a working group was formed to develop rules for monitoring proceedings involving defendants holding senior public office, organized crime cases, as well as those against journalists and the media. On the basis of a report of the working group, the President of the SCC issued on 18.10.2022<sup>47</sup> an order by which it was ordered:

1. Introduction of a Unified Catalog of crimes related to corrupt behavior and practices, according to which statistics will be kept in the Supreme Court of Cassation of the Republic of Bulgaria.

2. To create an electronic register of proceedings against journalists and media processed by the SCC.

3. Once a quarter on the SCC website on the Internet to publish lists of upcoming cases with the subject of organized crime, proceedings against journalists and media, as well as those with the subject of corrupt behavior and practices. In the latter case, where the defendant is among the senior public office holders (under Art. 6 of the AFFA), this circumstance shall be noted in an appropriate manner.

4. Immediately after their adjudication, on the SCC website on the Internet, to publish the decisions given in proceedings with the subject of corrupt behavior and practices, organized crime and those conducted against journalists and media.

5. The Supreme Judicial Council and the Ministry of Justice shall be informed once a quarter of the legal acts ruled in proceedings with the subject of corrupt behavior and practices, organized crime and those conducted against journalists and media.

6. Once a quarter – by the 3rd of the month, the chairpersons of the courts of appeal in the country, to send to the SCC tables with summary information about the respective court district about the proceedings initiated with the subject of corrupt conduct and practices, organized crime and cases against journalists and media, as well as information about the court decisions ruled in them. The tables should contain data on the persons against whom the

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<sup>40</sup> art. 301, 302, 302a, 304, 304a

<sup>41</sup> art. 225c

<sup>42</sup> art. 304b, para. 1 and 2

<sup>43</sup> art. 201 to 205

<sup>44</sup> art. 206.

<sup>45</sup> articles 282, 283 and 283a

<sup>46</sup> art. 253 to 253a

<sup>47</sup> [http://www.vks.bg/dela-za-korupcionni-prestaplenia/Zapoved\\_No\\_777\\_18.10.2022.pdf](http://www.vks.bg/dela-za-korupcionni-prestaplenia/Zapoved_No_777_18.10.2022.pdf)



proceedings are being conducted, their capacity, the legal qualification of the act in criminal proceedings, respectively relevant text/texts in civil and commercial proceedings and the final result.

The first data on cases of corrupt conduct and practices, including defendants holding senior public office, organized crime proceedings and those against journalists and media, will be published on the website of the Supreme Court of Cassation in January 2023 and will cover the information for the last quarter of 2022.

The total number of corruption cases initiated in 2022 in the Supreme Court of Cassation is 34. The defendants in four of these cases are senior public office holders (under Art. 6 of the AFAA): head of Customs – Svilengrad (reserved for judgment); Minister of Economy and Energy, member of the Board of Directors and Executive Director of “Mini Bobov dol” EAD and Deputy Minister of Economy and Energy<sup>48</sup>; Deputy mayor of Sofia Municipality, “Transport and Transport Communications” division<sup>49</sup>; Director of an AD, Director of an AD subdivision, assistant of an official, civil claimant – National Railway Infrastructure Company (reserved for judgment).

In annexes to this letter, we present data on the cases initiated for corruption crimes, on information provided by the SCC (**Annex 4**) and on information provided by the prosecutor's office (**Annex 5**), as well as crimes related to EU funds (**Annex 6**) for the period 2021 - the first nine months of 2022<sup>50</sup>, crimes related to organized crime in the period 2019 - nine months of 2022 (**Annex 7**), cases opened for crimes related to drug trafficking in the period 2019 - nine months of 2022 (**Annex 8**), cases opened for crimes related to human trafficking in the period 2019 - nine months of 2022 (**Annex 9**), and cases opened for crimes related to the so-called channeling during the period 2019 - nine months of 2022 (**Annex 10 and Annex 10a**)

**31. 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)**

Relevant is the information under item 22 and item 29.

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

Other – please, specify

### **III. Freedom of media and pluralism**

**33. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding media freedom and pluralism (if applicable)**

• *On the recommendation: “Improve transparency in the allocation of state advertising, in particular with regard to state advertising contracted through intermediaries, such as media agencies”*

<sup>48</sup> The SCC cancels the appellate verdict of the ASCC in a.g.n.c.c. by Decision No 92/12.09.2022 No. 515/2020 in the following parts: in the criminal-conviction part, in which the defendant R. S. O. is found guilty of committing a crime under Art. 219, para. 4 rel. para. 3 rel. para. 2 of the PC, and the defendant P. S. E. is found guilty of committing a crime under Art. 219, para. 4, Art. 3, para. 1 of the PC; in the civil part, by which the claims are rejected for the difference bigger than BGN 15,977,063.10 to the full claimed amounts of BGN 24,455,475.80 for R. S. O. and BGN 29 151 145,18 for P. S. E., as the court returns the case to the specified parts for re-processing to the Sofia Court of Appeal by another Chamber, from the hearing stage and leaves the sentence in force for its remainder

<sup>49</sup> the SCC leaves in force the ASCC decision in a.g.n.c.c. by Decision No 86/27.05.2022 No 329/2021 - the defendant was found innocent and acquitted of the charge

<sup>50</sup> According to the frequency of collection and aggregation of statistical information about the activity of PORB, established by the Instruction on the organization of the information activity of PORB, the data for 2022 are relevant for the nine months. When presenting the information for the third report - the one carried out in 2021, data are presented for the period 2019 - nine months of 2021. The requirement to provide data for 2019 is explicitly stated by the EC.

At a meeting of the Council for the Implementation of the National Coordination Mechanism for the Rule of Law held on 5 December 2022, the need to form an expert working group was discussed, within which the problems from the third pillar of the report and, accordingly, the implementation of 2022 Report recommendations to this part.

In this regard, at a working meeting of the members of the Council held on 8 December 2022, the responsible institutions and organizations from the non-governmental sector, which will be involved in the topics affecting the media environment and access to information, were determined.

The Council will focus with priority on two topics: “*Transparency in the distribution of state advertising*” and “*Unification of the criteria for reporting corruption crimes and cases against journalists, media and civil society activists*”.

At the same time, the SCC continues to adhere in its case law to the opinion that “*the right of opinion, recognized and guaranteed in Art. 39, para. 1 of the Constitution, is duly exercised and there is no element of anti-righteousness in the opinions expressed with a negative assessment, directly or indirectly affecting a particular person as a figure in a particular public field, when his name is commented on or a connection is presumed in view of his position or activity on the public question raised, unless it is a question of the wrongful exercise of a right and freedom of opinion is used, to harm the good name.*” Politicians and public figures should suffer more reproaches, but freedom of speech and expression cannot be used to cause insults and/or slander are decisions<sup>51</sup> summarizing the practice of the SCC related to the limits of permissible criticism toward a public person in informing society. It is stressed that, according to the standards established by the Constitution and the case-law of the ECHR, the balance between the right to free expression, the public interest and the need to protect the right to honor, dignity and good name should be sought.

These criteria are consistently observed in case-law when assessing whether claims brought by prominent political figures against journalists are legitimate.

#### **A. Media authorities and bodies**

##### **34. Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies**

On the budget of the CEM for 2022, determined by the Law on the State budget of the Republic of Bulgaria for 2022, additional resources for staff and maintenance are provided in total amounting to BGN 282 9 thousand, incl. BGN 222 9 thousand for staff costs. With the adoption of the act, it is possible to set a new amount of the basic individual monthly salaries of the employees in CEM, in order to strengthen the administrative capacity of the regulator in terms of assigning additional activities and commitments.

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

There are no changes to the legislation related to this topic.

##### **36. Existence and functions of media councils or other self-regulatory bodies**

There are no changes to the legislation related to this topic.

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

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

In 2022, there are no changes in the Bulgarian legislation regarding state advertising.

Such rules are expected to be regulated by the adoption of the European Freedom of the Media Act, the draft of which is already being discussed between Member States.

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<sup>51</sup>Decision No 50117/31.10.2022 in civ.c. No 7/2022 of I c.d. of the SCC and Decision No 50118/10.11.2022 in civ. c. No 4883/2021 of I c.d. of the SCC

**38. 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 licences, company operation, capital entry requirements, concentration, and corporate governance

There are no changes to the legislation related to this topic.

**39. 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**

There are no changes to the legislation related to this topic.

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

**40. Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications**

There are no changes to the legislation related to this topic.

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

The Prosecutor's Office regularly provides information (upon request) on specific cases (on the initiation, course and results of such cases) of injured Bulgarian journalists registered on the Platform for the protection of journalists at the Council of Europe.

In the information for 2021, there are two cases of public importance with journalists who have suffered from crimes, in one of which the perpetrator was convicted with an effective sentence, and in the second the case was brought to the Specialized Criminal Court with an indictment against three persons.

Another significant case from 2020, which was developed in 2022, concerns detention by police officers of a Bulgarian journalist and poet without a warrant for detention. The Sofia City Prosecutor's Office has refused to initiate pre-trial proceedings in the case. This refusal has been annulled by the SCPO. A new ruling of the first instance Prosecutor's Office is pending.

In annexes to this letter, we present data on the proceedings against journalists and media, formed/considered by the Civil Panel of the Supreme Court of Cassation in the fourth quarter of 2022 (**Annex 11**).

**42. Access to information and public documents (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)**

In 2022, SAC examined an interpretative case on the applicants' right of access to materials in administrative proceedings before SCIS on the grounds of refusals, withdrawals and terminations of security clearances. The opened interpretative case is the result of complaints of the applicants, reflected in some of the decisions made by SAC on appeals against decisions of SCIS, limiting the full realization of the right of defense in the proceedings before SCIS. The interpretative decision aims to overcome the contradictory case-law and to achieve in full the objectives of the administrative procedure, while respecting the legitimate rights and interests of the applicants, while also respecting the rules on the protection of classified information as such. With the Decision of 17 January a realistic possibility for defence has been provided for in cases for withdrawal of access to sensitive information.

In September 2022, Ms. Nina Suomalainen - Head of the Observation Mission to the Organization for Security and Cooperation in Europe (OSCE) met with judges from the SAC - on the occasion of the observation of the parliamentary elections scheduled for 2 October 2022.

During the meeting, the Head of the Mission received comprehensive information on the role of the Supreme Administrative Court and the administrative courts in the country in ensuring transparency and equality of arms in the electoral process. The cooperation continued by providing a reference containing data on the appealed decisions of the Central Election Commission (CEC) before the Supreme Electoral Court (with number and date), as well as the number of each administrative case initiated on an appeal against the relevant decision of the CEC. The Supreme Administrative Court has ruled on all administrative cases mentioned in the report within the 3-day deadline provided for in the Electoral Code.

#### **43. 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**

Following the issuance of an order<sup>52</sup> of 18.10.2022 of the SCC President on the creation of an electronic register of proceedings against journalists and media in the Penal and Commercial colleges of the court, it has been found that there were no cases of the category observed.

In the Civil college of the SCC, 3 such cases are initiated:

1. Civil case No 4589/2021, I c.d. (Art. 49 of LOC, Art. 288 of CPC), initiated on a cassation complaint by R. K. Ch. against decision in civ. c. No 1771/2021 of SCC, 4th appeal chamber, confirming decision in civ. c. No. 61421/2018 of SDC, 1stc.d., 29th chamber, by which the claim filed by R.K.Ch. against "Trud Media" EOOD was rejected on a legal basis, Art. 49, para. 1 of LOC for awarding the amount of BGN 10 000 in compensation for non-property damages.

By decision No 50110/25.10.2022, SCC condemns "Trud Media" Ltd. to pay to R. K. Ch. the amount of BGN 3000 as compensation for non-pecuniary damage caused to him by a guilty unlawful omission of employees of the company, consisting in not taking the necessary actions to delete or supplement the information concerning the claimant, in articles published on a website with a domain name of <https://trud.bg>, titled "*Those arrested for assault on journalists of Nova TV became six, searching for the seventh*" and "*six were charged of the attack on journalists of Nova TV*", along with the legal interest on this amount.

2. Civil case No 1393/2022, I c.d. (Art. 49 of LOC, Art. 288 of CPC), initiated on a cassation complaint of P. S. P. against the decision in civ.c. No. 2203/2021 of the Sofia Court of Appeal, which confirmed the SCC decision, rejecting the claim brought on the basis of Art. 49 LOC in conjunction with Art. 45LOC by P. S. P. to order "New Media Group" AD to pay him the sum of BGN 200 000, representing non-property damages from the publication of "The weekend" newspaper.

By decision No. 50446/01.11.2022, the SCC does not allow cassation appeals against appeal decisions.

3. Civil case No 4573/2022, II c.d. (Art. 45 of LOC, Art. 288 of CPC), initiated on a cassation complaint of D. L. C. against the decision in a.civ.c. No. 10179/2020 of the Sofia City Court, by which, after a partial annulment of the first-instance decision of the Sofia District Court, the subjectively joined claims, on the legal basis of Art. 49 of Art. 45 of LOC, of D. L.S. are upheld: against "Selevkidi" OOD for the amount of BGN 2 600, representing compensation for the non-pecuniary damages caused to her by insults and defamatory statements published in the period 13.08.2015 - 26.11.2018 in "Klyuki.bg", "Razkritiya.com" and "kliuki.Net", together with the legal interest; against "Pik News" EOOD for the sum of BGN 1 000, representing compensation for non-pecuniary damages caused to her by insults and defamatory statements published in the period 17.06.2017 - 10.01.2019 in "pik.bg", "Retro.bg" and "Retro" newspaper, together with the legal interest. In this case, a closed sitting is scheduled for 09.05.2023.

#### **Other- please specify**

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<sup>52</sup> [http://www.vks.bg/dela-za-korupcionni-prestaplenia/Zapoved\\_No\\_777\\_18.10.2022.pdf](http://www.vks.bg/dela-za-korupcionni-prestaplenia/Zapoved_No_777_18.10.2022.pdf)

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

**44. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the system of checks and balances (if applicable)**

##### **A. The process for preparing and enacting laws**

**45. Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'/public consultations (particularly consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process**

**46. 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)**

##### **47. Regime for constitutional review of laws**

The Constitutional Court of the Republic of Bulgaria is a constitutional jurisdiction that is outside the judicial system. The main powers of the Constitutional Court are to give binding interpretations of the Constitution and to adjudicate on requests for establishing the unconstitutional nature of the laws and other acts of the National Assembly, as well as of the acts of the President. The control on the constitutionality of the laws exercised by the Constitutional Court is an ex-post control. A request for the establishment of an unconstitutional nature of the laws may be made from the day of promulgation of the laws in the State Gazette.

**48. COVID-19: provide update on significant developments with regard to emergency regimes/measures in the context of the COVID-19 pandemic**

- **judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic**
- **oversight (incl. ex-post reporting/investigation) by Parliament of emergency regimes and measures in the context of COVID-19 pandemic**
- **processes related to lessons learned/crisis preparedness in terms of the functioning of checks and balances**

After the declaration of a state of emergency in Bulgaria, respectively an extraordinary epidemic situation, several cases have been brought before the CC on requests to challenge provisions related to the measures introduced in the country and the changes in legislation; provoked by the pandemic.

A CC ruling, which was ruled outside the period of the forthcoming report, but was not mentioned in the previous reports:

Decision No 15/17.11.2020 in c.c. № 4/ 2020.: the case was initiated a little more than a month after the declaration of a state of emergency in the RB in March 2020. The provisions of the Law on Electronic Communications and § 51 of TFP of the Law on Measures and Actions during the State of Emergency are attacked as unconstitutional.

The contested provisions stipulate that the data stored by the enterprises providing public electronic communication networks and/or services, necessary to establish the identifier of the used cells, except for the hypotheses settled up to that point, be stored for a period of 6 months also for the needs of the forced execution of mandatory isolation and hospital treatment of persons under Art. 61 of the Law on Health, who have refused or do not perform mandatory isolation and treatment, and these measures are applied until the need for mandatory isolation and hospital treatment of these persons ceases to exist.

The Constitutional Court rules that the contested provisions are unconstitutional.

For the period following the publication of the EC report for 2022 the following CC decisions have been ruled:

By decision No 13/05.10.2021 in c.c. No. 12/2021, initiated at the request of the Ombudsman, the CC declares as unconstitutional a provision of the Criminal Procedure Code, which allows the participation of the accused via video conference in the proceedings before the court for taking a measure of remand in custody in the pre-trial proceedings.

On 02/03/2022, a c.c. No. 2/2022 is initiated at the request of a group of people's representatives from the 47th National Assembly to establish the unconstitutionality of the decision of the National Assembly adopted on 07.01.2022 on the access to the buildings of the National Assembly in the event of a declared emergency epidemic situation (prom., SG, No. 3 of 11.01.2022). By the contested decision of 07.01.2022, the National Assembly accepts that access to the buildings of the National Assembly in the event of a declared emergency epidemic situation is granted to persons who present either a valid document for a full course of vaccination against COVID-19, or for recovery from illness, or a valid document, certifying a negative result of a polymerase chain reaction test for COVID-19 conducted up to 72 hours before entering the building or a rapid antigen test (up to 48 hours before entering the buildings), or a certificate of the presence of antibodies against SARS-CoV-2.

In the phase of hearing the case on the merits, the National Assembly adopts a Decision to cancel the decision contested before the CC, which is why by Decision of 22.03.2022. CC rejects the request and terminates the proceedings.

In view of the conclusions drawn from the pandemic court regime, the SAC project approved in the framework of the Recovery and Resilience Plan provides for the development and implementation of an information module for the conduct of remote closed hearings of the judicial panels, through which individual magistrates can adjudicate unhindered regardless of their location, as well as the development and implementation of an information module for the conduct of remote open hearings, where appropriate.

## **B. Independent authorities**

### **49. 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**

In 2022, the Ombudsman institution has registered a tendency for an increase in complaints filed by citizens and NGOs – a total of 15 206 (+12%). In protection of the rights of Bulgarian citizens, the Ombudsman has twice referred the CC to declare unconstitutional existing legal texts. By CMD 463/20.12.2022, the resources of the labor remuneration institution have been increased with a view to compensating for inflation.

The Commission for Protection against discrimination identifies a problem with the functional immunity of the members of the CPD. The Commission ranks in one of the last places in the allocation of the state budget compared to the other state institutions, and the budget granted to it is extremely insufficient for its normal functioning.

### **50. 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.**

In 2022, the ombudsman has sent 2002 recommendations to state and municipal authorities, public service providers and private-law entities. 84% of the recommendations are implemented.

## **C. Accessibility and judicial review of administrative decisions**

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

#### **52. 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).

In January 2022, a new clerical system was implemented at the Supreme Administrative Court - the Unified Clerical Information System (UCIS), which is also connected to the Electronic Justice Portal (EJP).

By applying modern information systems and technologies, the introduced system aims to increase the efficiency and transparency of the administrative justice and the quality of the services offered. The use of EDIS promotes e-justice in the country by creating a collaborative environment and a portal for citizens and businesses and facilitating their access to the database of decisions of the SAC.

In the framework of the RRP approved by the SAC, opportunities for digitalization of key judicial processes in the administrative justice system are envisaged.

The project aims to optimize the work of magistrates and court officials in the administrative justice system through the introduction and use of digital technologies in the processes, which in turn will lead to savings in consumables and human resources in the administration and processing of administrative case files. This will ensure a more environmentally friendly administration of justice process by reducing paper-based paperwork and the need to move documentation (summons and administrative case files).

The project also provides for the implementation of an information module enabling digital remote filing and receipt of electronic documents in court cases by the parties and their legal representatives.

### **53. Follow-up by the public administration and State institutions to final (national/supranational) court decisions, as well as available remedies in case of non-implementation**

#### **D. The enabling framework for civil society**

### **54. 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)**

From 1 January 2022 till 15 December 2022, the National Council for persons with disabilities held 5 meetings <sup>53</sup>, in which discussed 13 projects of documents and topics concerning the rights of persons with disabilities.

The State shall promote social inclusion activities of persons with disabilities by providing financial support in the form of a subsidy <sup>54</sup> to the nationally representative organizations of and for persons with disabilities for the implementation of activities in the field of active inclusion of persons with disabilities in the community.

### **55. 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.**

On 27 April 2022 a proposal for a directive of the European Parliament and of the Council on the protection of persons engaged in public participation from strategic judicial proceedings (“Strategic legal proceedings against public participation” – SLAPP) 2022/0117 (COD) has been adopted. The proposal for a directive is being discussed within the framework of “Civil Law Matters” WG (SLAPP format).

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<sup>53</sup> Minutes of meetings and other relevant documents are published on the Advisory Councils website: [http://saveti.government.bg/web/cc\\_11/1](http://saveti.government.bg/web/cc_11/1).

<sup>54</sup> Currently, 21 organizations are recognized as national representative organizations of and for people with disabilities and receive a subsidy from the state budget

The proposal for a directive introduces specific procedural safeguards and remedies for the defendant in civil and commercial proceedings of cross-border importance, even where those proceedings are initiated in third countries.

Bulgaria in principle supports the objectives that the EC has pointed out as being pursued by the proposal for a directive.

In Bulgaria there is no special framework for counteracting SLAPP, but Art. 57 of the Constitution of the Republic of Bulgaria (CRB) proclaims the general principle of inadmissibility of the abuse of rights, Art. 58, para. 1, second sent. of CRB, raises to the constitutional level the obligation of citizens to respect the rights and legitimate interests of others, and Art. 3 of the Civil Procedure Code (CPC) stipulates that persons participating in court proceedings are obliged to exercise the procedural rights granted to them in good faith and in accordance with good manners. According to case-law, if the court finds abuse of rights, it should refuse protection. In addition, the defendant in the case (in this case a journalist, a human rights defender, etc.) may request the court to declare the claim inadmissible – for lack of legal interest or alternatively – unfounded. In addition, if the abuse of a right also constitutes an unlawful damage, compensation may also be claimed for damages.

The rules in force in the Code of Civil Procedure (CPC), which are relevant in content to the main texts and specific provisions of the Directive, are: Amendment, withdrawal or refusal of the claim – Art. 232 of CPC; Security of expenses and of the claim for damages – Art. 380, para. 3 of CPC and Art. 381, para. 1 of CPC in fine. Termination of the proceedings – Art. 269 of CPC and Art. 280, para. 2 of CPC; Liability for expenses – art. 78, para 3 of CPC and Art. 78, para 4 of CPC. Compensation for damages - Art. 3 of CPC. Sanctions against the abuse of procedural rights - Art. 89, para. 3 of CPC.

As a continuation of efforts in this direction, the amendments to the relevant legal framework also include amendments to the regulation in the Penal Code related to offences of insult and defamation to ensure compliance with the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms and the decisions of the European Court of Human Rights. The amendment is aimed at limiting the possibilities for private prosecution in relation to publications by journalists and whistleblowers.

The draft law on amendment to the Criminal Code on the institutes of "insult" and "defamation" was adopted by Decision No. 693 of the Council of Ministers on 21 September 2022 and was submitted for consideration and adoption by the National Assembly with signature No. 48-202-01-3 on 25 October 2022. Adopted at first reading in plenary on 9 November 2022.

## **56. 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)**

Amendments to the tax legislation were adopted in 2022 stipulating the following incentives in the field of taxation of natural and legal persons:

- Increase in the amounts that are deducted from the tax base for child benefits, and the tax refund on the basis of the tax benefit is not subject to enforcement;
- The amount of the legally recognized expenses for income from exercising free profession as a lawyer is increased by 40%;
- A reduced rate of 9% has been introduced: for the supply of an accommodation service; for delivery of books on physical media or carried out electronically, periodical printed works; supplies of food suitable for babies or young children;
- A temporary reduced rate of 9% was introduced by 01.07.2023. for central heating and natural gas;
- A temporary reduced rate of 9% was introduced by 31.12.2023. for: restaurant and catering services; supply of a general tourist service; supply of a service for the use of sports facilities.
- A temporary zero VAT rate has been introduced until 31.12.2023. for bread and flour;
- The threshold for registration under the VAT Act has been increased from turnover of BGN 50 to 100 thousand;
- By 30 June 2025 the following zero rates of excise duty have been introduced:



1. on motor fuels:
  - a) for liquefied petroleum gas – BGN 0 per 1000 kilograms;
  - b) for natural gas – BGN 0 per 1 gigajoule;
2. for the heat produced – BGN 0;
3. for electricity – BGN 0 per megawatt hour, under certain conditions.

In connection with the organization of financial support for civil society organizations and human rights defenders in 2022, by a Decree of the Council of Ministers, additional expenses were approved under the budget of the Ombudsman of the Republic of Bulgaria, and with the adoption of the act, it was possible to determine new amount of the basic monthly salaries of the employees in the institution, in connection with the increased number of individual and collective complaints and petitions of the citizens.

## **57. 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.)**

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

#### **58. 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, etc.)**

The implementation is ensured of the educational program “*Judiciary – informed choice and civil trust. Open courts and prosecutor’s offices*” (the Program), which is jointly implemented by the SJC and the Ministry of Education and Science (MES), and is implemented for the ninth consecutive year by the judicial authorities.

In 2022, there is an increased number of participants – schools and students, as well as the participation of judges, prosecutors and investigators. A topic on the independence of the judiciary has been included in the lecture course and a leaflet designed for students has been produced.

Educational and information materials were printed with funding from the SJC. In 2022, more than 130 hyperlinks to the websites of judicial authorities and regional media with information on activities carried out under the Program were published on the website of the SJC.

In the academic year 2022/2023, over 133 courts and prosecutor's offices, in partnership with over 240 educational institutions, have applied for participation in the Program. According to data from the judicial authorities, more than 380 magistrates and more than 80 court officials will cover more than 20 000 students in the lecture course. The Administrative Court - Vidin, Regional Court - Vidin, District Court - Kula, District Court - Belogradchik, which created the "Your most important rights and responsibilities as a child" movie, contributed to the Program in 2022.<sup>55</sup> Emphasis is placed on the need for special guarantees and care for children, equality, the value of human dignity and tolerance.

The Regional Court – Kyustendil<sup>56</sup>, together with the district courts in the towns of Dupnitsa and Kyustendil, reported a record number of participants in the regional school competition “In the Land of Justice” 2022 – 170 students, from 15 schools in 6 municipalities in the district of Kyustendil.

Regional Court – Blagoevgrad<sup>57</sup> has reported that the participants in the program have produced information brochures on the topic “Magna Charter– the beginning of a new

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<sup>55</sup> <https://vidin-adms.justice.bg/bg/news2/21550>

<sup>56</sup> <https://kyustendil-os.justice.bg/bg/news2/22968?fbclid=IwAR2ucXbZpuQ7wp7eWzwfrh16gfWpZl18ZneelkdgFLsoCo-VkL4fbhYinu8>

<sup>57</sup> <https://blagoevgrad-os.justice.bg/bg/news2/23248>

constitutional civilization”. Prominent participants are also the district courts in the cities of Burgas and Plovdiv, the regional courts in Burgas, Dobrich, Shumen and Kyustendil, the administrative courts in Dobrich, Vidin and Smolyan and Sofia City Prosecutor’s Office.

In 2022, 196 judicial authorities, including the Inspectorate of the SJC and the National Institute of Justice, participated in the information campaign “Open doors Day”. There is a growing number of judicial authorities that have envisaged initiatives in the information campaign in 2022, compared to 2021, and three times the number of those who provide a hyperlink to publications about the events on their websites has increased.

**Other- please specify**