

The situation of Article 2 TEU values in Bulgaria

LIBE DRFMG mission to Bulgaria
12-13 October 2023



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Abstract

This study, written by the Policy Department for Citizens' Rights and Constitutional Affairs at the request of the European Parliament's Committee on Civil Liberties, Justice and Home Affairs - Democracy, Rule of Law and Fundamental Rights Monitoring Group, examines the situation of Democracy, the Rule of Law and Fundamental Rights in Bulgaria and how Article 2 TEU values are respected and implemented in the country.

This document was requested by the European Parliament's Committee on Civil Liberties, Justice and Home Affairs - Democracy, Rule of Law and Fundamental Rights Monitoring Group.

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LINGUISTIC VERSIONS

Original: EN

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Manuscript completed in October 2023

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LIST OF ABBREVIATIONS

BG	Bulgaria
CC	Constitutional Court
CJEU, EUCJ	Court of Justice of the European Union
CoE	Council of Europe
COM	Commission
DRF	Democracy, Rule of Law and Fundamental Rights
DRFMG	Monitoring Group on Democracy, Rule of Law and Fundamental Rights
ECHR	European Convention on Human Rights
ECtHR	European Court on Human Rights
EP	European Parliament
EPPO	European Public Prosecutor
FRA	Fundamental Rights Agency
GRECO	Group of States against Corruption of the Council of Europe
LIBE	Committee on Civil Liberties, Justice and Home Affairs
MPM	Media Pluralism Monitor
MS	Member State
OLAF	European Anti-Fraud Office
OSCE	Organization for Security and Co-operation in Europe
PEGA	Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware
PG	Prosecutor General
PM	Prime Minister
RoL	Rule of Law

RRF Recovery and resilience fund

SJC Supreme Judicial Council

1. INTRODUCTION

The **Committee on Civil Liberties, Justice and Home Affairs** (LIBE) decided, upon suggestion of its **Monitoring Group on Democracy, Rule of Law and Fundamental Rights** (DRFMG), to organise a **mission to Bulgaria**, taking place on **12-13 October 2023**. The objective of the mission is to take stock of the latest developments in the country as regards the situation of Article 2 TEU values and notably democracy, rule of law, fundamental rights, the fight against corruption, media freedom, etc.

This briefing aims at providing an overview of the situation of Article 2 TEU values in Bulgaria, on the reforms implemented, as well as of the shortcomings and gaps to be filled in. It is mainly based on the **Commission Rule of Law 2023 report on Bulgaria**,¹ national and international organisations documents, NGOs reports, media reports, etc. The briefing - following a consolidated format used for DRFMG missions - is **structured** around the main pillars of Article 2 TEU: democracy, rule of law (covering the justice system and anti-corruption policies), fundamental rights (covering media freedom and other fundamental rights and equality). The briefing also builds upon a previous briefing prepared by the Policy Department on Bulgaria upon request of LIBE DRFMG: **The situation of Democracy, the Rule of Law and Fundamental Rights in Bulgaria - In-depth analysis for the LIBE mission to Bulgaria of 23-24 September 2021**.²

1.1. The Commission Rule of Law report 2023 and the Recommendations

In its **2023 report**, the **Commission makes six Recommendations to Bulgaria** - the same number as last year. The below table presents the 2022 Commission recommendations, the evaluation made by the Commission on whether and how they have been followed up, and the 2023 recommendations. As it can be seen, the Commission notes that there is **no progress on 3 of the 6 recommendations, some progress on two and significant progress on the remaining one**. For this reason, the 2023 recommendations substantially **address the same issues of 2022** recommending further efforts to achieve the objectives (only one recommendation is slightly modified; the numeration is also partly changed; the introduction paragraph to the recommendations removes the reference to the CVM):

Introduction to the recommendations

RoL report 2022, Introduction to the recommendations	In addition to recalling the commitments made under the national Recovery and Resilience Plan relating to certain aspects of the justice system and the anti-corruption framework <i>and the remaining commitments under the Cooperation and Verification Mechanism</i> , it is recommended to Bulgaria to:
RoL report 2023, Introduction to the recommendations, following the evaluation of the implementation of the 2022 recommendations	<i>On this basis, and considering other developments that took place in the period of reference, and</i> in addition to recalling the commitments made under the national Recovery and Resilience Plan relating to certain aspects of the justice system and the anti-corruption framework, it is recommended to Bulgaria to:

¹ https://commission.europa.eu/system/files/2023-07/10_1_52568_coun_chap_bulgaria_en.pdf

² [https://www.europarl.europa.eu/RegData/etudes/IDAN/2023/698320/IPOL_IDA\(2023\)698320_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/IDAN/2023/698320/IPOL_IDA(2023)698320_EN.pdf)

Recommendation on secondment of judges

Recommendation 1, RoL report 2022	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.
Evaluation RoL report 2023	Significant progress on ensuring 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.
Recommendation 1 RoL report 2023	Take steps to adapt the relevant legislative framework to avoid long-term secondment of judges to fill in vacant positions, taking into account European standards on secondment of judges.

Recommendation on the Inspectorate to the Supreme Judicial Council

Recommendation 2 RoL report 2022	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.
Evaluation RoL report 2023	No progress yet on advancing 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.
Recommendation 2 RoL report 2023	Advance with the preparation of 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.

Recommendation on the Supreme Judicial Council

Recommendation 3 RoL report 2022	Take steps to adapt the composition of the Supreme Judicial Council, taking into account European standards on Councils for the Judiciary.
Evaluation RoL report 2023	No progress yet on taking steps to adapt the composition of the Supreme Judicial Council, taking into account European standards on Councils for the Judiciary.
Recommendation 3 RoL report 2023	Step up efforts to adapt the composition of the Supreme Judicial Council, taking into account European standards on Councils for the Judiciary.

Recommendation on integrity of the public administration

Recommendation 4 RoL report 2022	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.
Evaluation RoL report 2023	Some progress regarding corruption prevention measures aimed at improving the integrity of specific sectors of the public administration, including the police and the judiciary.
Recommendation 5 RoL report 2023 <u>modified</u>	Improve the integrity of top executive functions, taking into account European standards, in particular by ensuring that clear integrity standards for the Government as well as an appropriate sanctioning mechanism are in place.

Recommendation on high-level corruption, and the Anti-Corruption Commission

Recommendation 5 RoL report 2022	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.
Evaluation RoL report 2023	No progress on improving the effectiveness of investigation and a robust track-record of prosecution and final convictions in high-level cases of corruption including through the institutional reform of the Anti-Corruption Commission and specialised judicial authorities
Recommendation 4 RoL report 2023	Ensure an improved effectiveness of investigations and a robust track-record of prosecution and final judgments in high-level corruption cases including through the institutional reforms of the Anti-Corruption Commission.

Recommendation on state advertising

Recommendation 6 RoL report 2022	Improve transparency in the allocation of state advertising, in particular with regard to state advertising contracted through intermediaries, such as media agencies.
Evaluation RoL 2023	Some progress on improving transparency in the allocation of state advertising, in particular with regard to state advertising contracted through intermediaries, such as media agencies.
Recommendation 6 RoL report 2023	Advance with the work aimed at improving transparency in the allocation of state advertising, in particular with regard to state advertising contracted through intermediaries, such as media agencies.

Bulgaria was subjected until recently to **the Cooperation and Verification Mechanism (CVM)**, introduced at the accession of the two countries to the European Union in 2007 as a transitional measure to facilitate and monitor progress in the areas of judicial reform, anti-corruption and fight against organised crime. In October 2019, the Commission published its last CVM report on Bulgaria and concluded that the country had **satisfactorily met their obligations set out under the CVM** at the time of accession to the Union and needed to continue working to implement specific commitments listed in the conclusions of the reports. This work was completed in June 2023, according to the Commission, which on 5 July 2023 informed the Council and the EP of its intention to formally close the CVM and to **continue screening the situation in the country through the annual Rule of Law cycle** as for all other Member States. The Rule of Law reports look at several issues explored under the CVM and will help address remaining shortcomings and possible new emerging issues, with a broader scope than the CVM (as RoL reports cover not only judicial reform and the fight against corruption, but also media freedom and pluralism as well as institutional checks and balances). On 15 September 2023, the European Commission consequently announced to have **formally closed the CVM for Bulgaria (and Romania)**, and repealed the two decisions that had established it.³

The Commission underlines in the RoL report 2023 that BG has created “an improved national Post-monitoring Mechanism...with an expanded scope to align with the EU annual Rule of Law Report”: the Government has set up a “**Mechanism for the Rule of Law**” with a “**Council for the Rule of Law**” established for the application of the mechanism, with the aim of assessing Bulgaria’s progress in

³ https://ec.europa.eu/commission/presscorner/detail/en/IP_23_4456 and https://ec.europa.eu/commission/presscorner/detail/en/qanda_23_3632

relation to the issues raised in the RoL report and take measures. The Council for the Rule of Law is co-chaired by the Minister of Justice and the Representative of the Supreme Judicial Council and members include representatives of Governmental authorities, judicial authorities and civil society organisations (CSOs) and the activities take place in a constructive way. BG is the only MS to have established such a mechanism.

1.2. The RRF

Under the RRF, the total grants allocated to Bulgaria are €6.267 Million, while no loans were requested by BG. The RRP allocation as share of the GDP is 9.23 %. The Commission scoreboard indicates that, up to now, 6% of the milestones and targets are fulfilled, while 94% are not. A first payment of €1.37 billion was disbursed by the European Commission on the basis of the achievement of the 22 milestones and targets linked to the first instalment. RRF funding should be committed by the end of 2023 and paid out to Bulgaria by the end of 2026, which will have to meet 205 milestones and 141 targets (for a total of 346) to implement its national RRP entirely, which consists of 103 individual measures (47 reforms and 56 investments). Very recently, BG submitted a modified RRP that will be assessed by the Commission and by the Council, that will have to approve an amended Council Implementing Decision (see table below with the main dates and events related to the BG RRF up to now).⁴

Date	Event
2021-10-15	Bulgaria submits its national recovery and resilience plan
2022-04-07	European Commission endorses Bulgaria's recovery and resilience plan / European Commission Analysis
2022-05-04	Council of the European Union approves the assessment of the recovery and resilience plan of Bulgaria
2022-08-04	Bulgaria and the European Commission sign the Operational Arrangements
2022-09-01	Bulgaria submits a payment request of €1.37 billion
2022-11-15	Bulgaria organises an annual RRF event with stakeholders
2022-12-16	European Commission disburses first payment of €1.37 billion to Bulgaria / European Commission preliminary assessment
2023-09-29	Bulgaria submits a modified recovery and resilience plan

Among the various milestones, a number of them are related to DRF issues, many of which are also referred in the Commission 2023 RoL report on BG. **The Commission hereby aims at achieving reforms and the implementation and enforcement of a number of Commission RoL (non-binding) recommendations by making them milestones in the RRP.** These are notably the reforms in the pillar 4 of the RRP: Accessible, effective and predictable justice; Anti-corruption; Introduction of mandatory judicial mediation; Registry reform to unlock potential of e-government; Strengthening anti-money laundering framework; Improving quality of legislative process; Public procurement.⁵

⁴ https://ec.europa.eu/economy_finance/recovery-and-resilience-scoreboard/country_overview.html?lang=en

⁵ The milestones can be found in the Operational arrangements between the COM and BG of 4 August 2022, available at https://commission.europa.eu/system/files/2022-09/countersigned-bq-rrf-oa_en.pdf. A more detailed description of each milestone is available in the document "Annex to the Council Implementing Decision on the approval of the assessment of the recovery and resilience plan for Bulgaria of 28 April 2022" available at: <https://data.consilium.europa.eu/doc/document/ST-8091-2022-ADD-1/en/pdf>

1.3. European Parliament follow-up of the situation in Bulgaria

The **EP**, the **LIBE committee** and **DRFMG** discussed the situation in Bulgaria on various occasions:⁶

- On **21 November 2018**, **DRFMG** (at that time called “Rule of Law Monitoring Group”) held an exchange of views open to all LIBE members dedicated to the “Safety of journalists in Bulgaria” following the murder of Bulgarian journalist Viktoria Marinova on 6 October 2018.

- On **28 August 2020**, **DRFMG** discussed the latest developments in Bulgaria in relation to Democracy, Rule of Law and Fundamental Rights following the wave of **demonstrations** in the country during the summer of 2020. MEPs first met representatives of the Bulgarian authorities: Krasimira Filipova (Deputy Chief Prosecutor of the Republic of Bulgaria), Ekaterina Zaharieva (Deputy Prime Minister for Judicial Reform and Minister of Foreign Affairs of the Republic of Bulgaria), Dessislava Ahladova (Deputy Minister of Justice) -, the European Commission, the Venice Commission and GRECO. MEPs then met the EESC (European Economic and Social Committee), Dimiter Stoyanov (journalist at Bivol), Krassimir Kanev (Bulgarian Helsinki Committee), Ana Dzhumalieva (Commission for Protection against Discrimination in Bulgaria) and Marin Lessenski (European Policies, Open Society Institute Sofia). Discussions revolved around checks and balances, the functioning of the Bulgarian prosecution, independence of the judiciary, judicial and constitutional reforms, ongoing protests in the country, the CVM, the Rule of Law mechanism with the upcoming first Rule of Law annual report, the fight against corruption, media freedom and ownership, safety of journalists, civil society, freedom of association and NGO funding, COVID-19 measures, discrimination, in particular against Roma people, the Istanbul Convention, domestic violence, and the rights of LGBTI people.⁷

- Shortly after, on **10 September 2020**, the **LIBE committee** discussed the CVM and the situation in Bulgaria.

- A month later, on **5 October 2020**, the **European Parliament** held a debate on the rule of law and fundamental rights in Bulgaria, followed by the adoption of a **resolution** on **8 October 2020** on the rule of law and fundamental rights in Bulgaria.⁸ The resolution regretted the “significant deterioration” of democracy, the rule of law and fundamental rights, including the independence of the judiciary, separation of powers, the fight against corruption and freedom of the media; it condemned police violence and excessive intervention, particularly in cases where the violence was used against women, children and journalists; it expressed the EP “solidarity with the people of Bulgaria in their legitimate demands and aspirations for justice, transparency, accountability and democracy”; and called Bulgaria to fully respect EU values.⁹

- On **8 January 2021**, **DRFMG** exchanged views on the situation of the rule of law in Bulgaria with Evgeni Stoyanov, Deputy Minister of Justice, Daniela Masheva and Krasimira Filipova, Deputy Prosecutor Generals with the Supreme Prosecutor’s Office of Cassation, Ana Dzhumalieva, Chairperson at the Commission for protection against discrimination in Bulgaria, the Commission and the Venice Commission. Discussions revolved around the latest opinion of the Venice Commission on Bulgaria, public trust in institutions, the anti-corruption framework and OLAF report, media pluralism and the

⁶ A summary of the meetings, participants, issues discussed, relevant documents and exchanges of letters are available on the DRFMG website <https://www.europarl.europa.eu/committees/en/libe-democracy-rule-of-law-and-fundament/product-details/20190103CDT02662> and in the Activity report of the Democracy, Rule of Law and Fundamental Rights Monitoring Group by DRFMG Chair Sophie In’t Veld https://www.europarl.europa.eu/cmsdata/274345/DRFMG%20Activity%20Report%20Jan-June%202023_final.pdf (latest version of June 2023).

⁷ Following the meeting, DRFMG issued a statement through a press release to counter the release of dismissive information concerning the issues discussed, notably by the Prosecutors’ Office, see <https://www.europarl.europa.eu/news/en/press-room/20200904IPR86417/bulgaria-statement-by-the-democracy-rule-of-law-and-fundamental-rights-group>

⁸ https://www.europarl.europa.eu/doceo/document/TA-9-2020-0264_EN.html

⁹ See EP press release <https://www.europarl.europa.eu/news/en/pressroom/20201002IPR88445/bulgaria-meps-call-for-eu-values-to-be-fully-and-unconditionally-respected> and par. 1 of the resolution.

transparency of ownership structures, prosecutor powers and independence, discrimination and the Commission Rule of Law report.

- On **16 September 2021**, the **European Parliament plenary** discussed in the presence of the Commission an oral question tabled by the LIBE Committee and proposed by the DRFMG on the "United States **sanctions** and the rule of law".¹⁰ During the debate, Commissioner Johansson underlined that the fight against corruption is a priority for the Commission, that it is a matter mainly in the hands of the Member States, of EPPO and OLAF, and that it monitors corruption through the annual rule of law reports. At the same time, it also expressed "strong concerns" on the US decision to impose sanctions having effects on EU Member States without prior consultation. During the debate, MEPs criticised the lack of action of the Commission, the efficacy of the CVM to achieve concrete results notwithstanding the Commission's affirmations that it could now be lifted and the non-provision of technical assistance by the Commission, the politicisation of the debates on corruption.

- Between **21 and 24 September 2021**, a **LIBE DRFMG Ad hoc delegation** visited Slovakia and Bulgaria. The BG Parliament had just been dissolved in view of new legislative and presidential elections to take place in November, the executive being led by a caretaker government. MEPs met with civil society organisations, representatives of the media, as well as with President Rumen Radev, Vice-President Iliyana Yotova, Deputy Prime Minister and Minister of Interior Boyko Rashkov, Deputy Prime Minister of European Affairs Atanas Pekanov, Minister of Justice Yanaki Stoilov, Minister of Culture Velislav Minkov, Chief Prosecutor Ivan Gechev and the Ombudsperson Diana Kovacheva.¹¹

- On **27 January 2022**, **DRFMG** held an exchange of views on the situation in Bulgaria by meeting first Ivan Geshev, Prosecutor General, then Kiril Petkov, Prime Minister of the newly formed government following the November 2021 elections (and that stayed in power between 13 December 2021 and June 2022), Nadezhda Yordanova, Minister of Justice and Atanas Atanasov, Minister of Culture. Discussions revolved around the high-level corruption cases, prevention of corruption within prosecution structures, cooperation with the EPPO, and notably upon the intended reforms by the new government, including reforms to improve the fight against corruption, Bulgaria's drop in Transparency International's ranking, reforms regarding the freedom of press, the state of play as regards the Istanbul Convention, the intended abolition of the CBI scheme and the situation of Roma and LGBT people.

- On **8 December 2022**, **DRFMG** held an exchange of views on the situation in Bulgaria. Members discussed with the Minister of Justice of the caretaker government, Krum Zarkov, Krassimir Kanev, Chair of the Board, Bulgarian Helsinki Committee and Georgi Stoytchev, Executive Director, Open Society Institute Sofia and the European Commission. The government proposals to reform the justice system (including the judiciary, the Prosecutor General and other prosecutors), the Commission 2022 Rule of Law report on Bulgaria, the implementation of ECHR judgements, anti-corruption measures and institutions, the Recovery and Resilience Plan (RRP) milestones and planned reforms, civil society and the general political situation in Bulgaria were addressed.

- On **13 June 2023**, **DRFMG** held an exchange of views on the recent developments in Bulgaria with Prosecutor General Ivan Geshev, and then with the Minister of Justice Atanas Slavov, Deputy Minister Emil Dechev, GRECO and the Commission. The recent dismissal of the Prosecutor General, the procedure for removal, the division of powers, ongoing corruption investigations, and government proposals to reform the justice system, GRECO evaluation report and recommendations and the 2022 Commission Rule of Law Report on Bulgaria were discussed.

¹⁰ https://www.europarl.europa.eu/doceo/document/O-9-2021-000057_EN.html

¹¹ For more information, see the mission report https://www.europarl.europa.eu/meetdocs/2014_2019/plmrep/COMMITTEES/LIBE/DV/2021/11-29/MissionreportSK_BG_1240476_EN.pdf

- The EP also recently adopted resolutions on the **accession to the Schengen area** of Bulgaria (and Romania) on 18 October 2022 and on 12 July 2023.¹²

¹² While the EP and the Commission vigorously support Bulgaria (and Romania) joining Schengen, the Netherlands and Austria continue to block the process in the Council, citing insufficient control of irregular migration flows from the EU's external border with Turkey as problematic. Discussions will take place during the Spanish Presidency and there are expectations for the Netherlands to review their position, following the judicial reform undertaken in Bulgaria and the Commission's decision to end the Cooperation and Verification Mechanism (CVM). See also the 2022 European Parliament resolution https://www.europarl.europa.eu/doceo/document/TA-9-2022-0364_EN.html and that of 12 July 2023 on the accession to the Schengen area, https://www.europarl.europa.eu/doceo/document/TA-9-2023-0278_EN.html, as well as the recent SOTEU speech by the Commission President: « Et je veux remercier en particulier la Bulgarie et la Roumanie d'avoir montré la voie, en mettant en avant les bonnes pratiques en matière d'asile et de retour. Elles l'ont prouvé: la Bulgarie et la Roumanie font partie de notre espace Schengen. Laissons-les enfin entrer, sans plus de retard! », https://ec.europa.eu/commission/presscorner/detail/ov/speech_23_4426.

See also

https://www.euractiv.com/section/politics/news/bulgaria-hopes-for-schengen-membership-before-years-end/?utm_source=EURACTIV&utm_campaign=eef690ad89-EMAIL_CAMPAIGN_2023_06_23_12_36_COPY_01&utm_medium=email&utm_term=0_-8777897010-%5BLIST_EMAIL_ID%5D

2. DEMOCRACY

The Republic of Bulgaria became a Member State of the EU on 1 January 2007 and is a representative democratic republic.

The **President of the Republic** is elected directly by the people for 5 years and is currently **Rumen Radev**. He was elected on 13 November 2016 (running as independent, with the support of the Bulgarian Socialist Party and was re-elected on 14 November 2021 (the term can be renewed once only).

The **Constitutional Court** is in charge of constitutional review of laws.

The parliament, the **National Assembly**, is unicameral and holds the legislative power. It consists of 240 deputies elected for 4 years, with a 4% threshold. It appoints and dismisses the PM and the government, approves the budget, etc.

Bulgaria experienced a period of **political instability** over the past years. A wave of popular demonstrations, from 2020 on, were held against corruption, the government and its PM Boyko Borisov (who has been PM of BG from 2009 to 2013, 2014 to 2017, and 2017 to 2021) and the then Prosecutor General Geshev, and led to elections in April 2021. Four further parliamentary elections followed, due to difficulties to find an agreement among parties to form a government (see table below). The political atmosphere has been, and often still is, tense, with institutional and political conflicts around issues like Russia and notably the Russian invasion of Ukraine and the support to be given to the latter, the US, the EU and its policies and gender issues, dividing old versus new parties and leaders.

The **main political parties** are:

- GERB-SDS, Citizens for European Development of Bulgaria (affiliated to EPP): the ruling political party between 2009 and 2021, its leader is Boyko Borisov, former Bulgarian Prime Minister.
- PP-DB is a coalition comprising We Are Continuing the Change (PP), led by Kiril Petkov and Assen Vassilev; and Democratic Bulgaria (DB), an alliance formed in 2018 by the parties Yes, Bulgaria!, Democrats for a Strong Bulgaria and The Greens; the chairmen are Atanas Atanasov and Hristo Ivanov.
- Revival (Vazrazhdane) is a far right party, whose chairman is Kostadin Kostadinov.
- The Movement for Rights and Freedoms (DPS, affiliated to Renew): current chairperson is Mustafa Karadayi.
- BSP for Bulgaria, Bulgarian Socialist Party (affiliated to SD): the current leader is Komeliya Ninova.
- There Is Such a People (ITN), led by (singer, TV host and politician) Slavi Trifonov.

Elections	Government
26 March 2017	4 May 2017 - 12 May 2021: Borisov government (GERB - United Patriots)
4 April 2021	No agreement between parties
11 July 2021	No agreement between parties
14 November 2021	13 December 2021 - June 2022: Petkov government formed by PP-DB, BSP, ITN - <i>interim Donev government</i>
2 October 2022	No agreement between parties
Elections of 2 April 2023	Since 6 June 2023 - ...: Denkov (-Gabriel) government formed by GERB—SDS and PP—DB

Following the last parliamentary elections of 2 April 2023 and after difficult negotiations among parties, Parliament approved on 6 June a government formed by GERB—SDS and PP—DB with **Nikolai Denkov**

as PM and former MEP and European Commissioner **Mariya Gabriel** as Foreign Affairs Minister and Deputy PM, who will switch posts after 9 months. The Movement for Rights and Freedoms is also supporting the government.

A **no confidence motion** filed in the National Assembly against the government by the opposition parties Vazrazhdane, There Is Such a People and the Bulgarian Socialist Party over its energy and decarbonization policy will be debated 12 October and voted on 13 October 2023.

Debates on draft **amendments to the Constitution** proposed by the government recently started in the National Assembly and is expected to last at least until December. Relevant amendments include: restructuring the Supreme Judicial Council; curtailing the powers of the Prosecutor General and the length of the term of office from seven to five years and introducing a special mechanism for investigating the PG; limitations to the power of the President both in relation to the executive (notably caretaker governments) and the justice system,¹³ reducing the term of office of the heads of the Supreme courts from seven to five years, with a possibility of a single further term.¹⁴

On 7 October 2023, the **Venice Commission** debated and adopted a draft opinion on the draft amendments to the Constitution of Bulgaria, requested by the Minister of Justice of Bulgaria on 2 August 2023.¹⁵

According to the **Freedom House report "Freedom in the World 2023"** "Multiple parties compete in Bulgaria's democratic system, which features peaceful transfers of power between rival parties. The country continues to struggle with political corruption and organized crime. Though the media sector remains pluralistic, outlets face pressure from political and business interests, and ownership concentration remains a problem. Ethnic minority groups, particularly Roma, face discrimination. Despite funding shortages and other obstacles, civil society groups remain active and influential."¹⁶

The **"Nations in Transit 2023" report**, also by Freedom House and looking into the state of democracy in the region stretching from Central Europe to Central Asia, categorizes Bulgaria as a Semi-Consolidated Democracy.¹⁷

The **V-Dem institute Democracy report 2023** categorises BG as "Electoral democracy" and notes that it features among the top 10 democratizers in the last three years as new and thus more recent democratizers.¹⁸

The **World Justice Rule of Law Index** ranks BG as 60th over 140 countries and attributes to it a score of 0.55 over 1.00.¹⁹

The **Economist Intelligence Unit (EIU) Democracy Index 2023**²⁰ categorises BG as a "flawed democracy" and ranks it 57th over 167 countries, with a score of 6.53.

Table on evaluations of Bulgaria's democracy

¹³ <https://www.novinite.com/articles/221752/Bulgaria%3A+The+Constitutional+Reform+began+on+the+Slow+Track#:~:text=The%20constitutional%20reform%20summarized%3A,the%20Plenum%20to%20be%20abolished>

¹⁴ <https://sofiaglobe.com/2023/10/06/bulgarias-parliament-begins-debating-amendments-to-constitution/>

¹⁵ [https://www.venice.coe.int/webforms/documents/?ref=CDL-PL-OJ\(2023\)003ann](https://www.venice.coe.int/webforms/documents/?ref=CDL-PL-OJ(2023)003ann). The opinion's conclusions are shown in the Annex.

¹⁶ <https://freedomhouse.org/country/bulgaria/freedom-world/2023>

¹⁷ <https://freedomhouse.org/country/bulgaria/nations-transit/2023>

¹⁸ https://www.v-dem.net/documents/29/V-dem_democracyreport2023_lowres.pdf

¹⁹ <https://worldjusticeproject.org/rule-of-law-index/global/2022/Bulgaria/ranking>

²⁰ <https://www.economist.com/graphic-detail/2023/02/01/the-worlds-most-and-least-democratic-countries-in-2022>

Organisation	Marking	Ranking or score	Source
Freedom House	Free (same as in 2022)	79/100 (same as in 2022)	Freedom in the World 2023 ²¹
	Semi-Consolidated Democracy	58/100	Nations in Transit 2023 ²²
V-Dem institute	Electoral democracy		Democracy Report 2023 ²³
World Justice Rule of Law Index		0.55/1.00 60th/140	Rule of Law Index 2023 ²⁴
Economist Intelligence Unit (EIU)	Flawed democracy	57/167 6.53	Democracy Index 2023 ²⁵

2.1. Quality of the legislative process

Concerning the law making process, the COM notes that:

- improved procedural rules regarding the law-making process were adopted and are in place (BG RRP Milestone 241): draft legislation proposed by MPs should be accompanied by a reasoning and an impact assessment, and a summary of stakeholders' opinions should form part of the parliamentary committee report on a draft law;

- concerns arise in relation to implementation in practice, as stakeholders report that impact assessments are *pro forma* and rarely made, mandatory public consultations for draft laws tabled by MPs is often circumvented (in 90% of the cases) and that the introduction of legislative changes through amendments to other acts between the first and the second reading is still taking place.

2.2. National independent institutions and authorities

The Commission, in its RoL report 2023 on Bulgaria, notes that:

- the renewal of the mandates of a very high number of important independent and regulatory authorities is delayed due to the unstable political situation, and many work with an expired mandate;
- this is particularly concerning for the Constitutional Court, as it is working with a lower number of judges, and further mandates are elapsing;

More specifically relevant for RoL issues, it shall be noted that Bulgaria has two national human rights institutions:

- the **Ombudsperson** is an independent constitutional body, elected by the National Assembly every 5 years and tasked with the promotion and protection of human rights and fundamental freedoms, which has an A-status accreditation from Global Alliance of National Human Rights Institutions (GANHRI). The Ombudsperson is currently **Diana Kovatcheva** (former Director of Transparency International Bulgaria from 2002 to 2011). The EP delegation met her during the mission to BG of 2021;
- the **Commission for the Protection against Discrimination** is a body that implements policies in the spheres of gender equality and non-discrimination, which has a B-status accreditation from

²¹ <https://freedomhouse.org/country/bulgaria/freedom-world/2023>

²² <https://freedomhouse.org/country/bulgaria/nations-transit/2023>

²³ https://www.v-dem.net/documents/29/V-dem_democracyreport2023_lowres.pdf

²⁴ <https://worldjusticeproject.org/rule-of-law-index/global/2022/Bulgaria/ranking>

²⁵ <https://www.economist.com/graphic-detail/2023/02/01/the-worlds-most-and-least-democratic-countries-in-2022>

GANHRI. The current Chairwoman is **Ana Dzhumalieva**. She has participated in exchanges of views with the DRFMG in various occasions. The Chairperson, Deputy and members of the Commission for the Protection against discrimination operate with an expired mandate since July 2022.

2.3. ECHR

The **Democracy Reporting International** report of 2023 states that “Bulgaria has a very serious problem regarding the implementation of ECtHR judgments. Statistics indicate a very high number of leading judgments pending implementation, second in the EU only to Romania. These judgments have been pending implementation for a long time. Finally, Bulgaria is failing to implement a high proportion of the leading judgments handed down by the Strasbourg Court.”²⁶

The **European Commission** RoL report recalls that “On 1 January 2023, Bulgaria had 93 leading judgments of the European Court of Human Rights pending implementation, an increase of one compared to the previous year. At that time, Bulgaria’s rate of leading judgments from the past 10 years that remained pending was at 55% (the same as at the start of 2022) and the average time that the judgments had been pending implementation was 6 years and 10 months (compared to 6 years and 4 months in 2022). One of the oldest leading judgments pending implementation for 22 years concerns the excessive use of force by law enforcement agents. On 15 June 2023, the number of leading judgments pending implementation has increased to 96.”

2.4. Civil society

CIVICUS rates the civic space in Bulgaria as “narrowed” with a rating of 71 /100.²⁷

The **COM RoL report 2023** on BG notes that:

- the Council for Civil Society Development started working, with the aim of creating a national funding mechanism for CSOs to overcome the difficulties experienced by CSOs in receiving EU funding through state agencies dealing with EU funds;
- a draft law for the registration of foreign agents similar to the Russian - Hungarian laws has been repeatedly tabled by an extreme right-wing party in Parliament, notwithstanding the negative opinion of the Minister of Justice;

Further issues related to threats to civil society are presented in the fundamental rights chapter of this briefing.

²⁶ For a more detailed analysis and more information, see section on BG in the report “Justice delayed and justice denied: Non-Implementation of European Courts Judgments and the Rule of Law - 2023 Edition”, <https://democracyreporting.s3.eu-central-1.amazonaws.com/images/64a29dd141bd9.pdf>

²⁷ <https://monitor.civicus.org/country/bulgaria/>

3. RULE OF LAW

3.1. Justice

3.1.1. Independence

The Commission RoL report 2022 notes in particular that:

- the level of **perceived judicial independence** remains **low** among the general public and companies, as only around a third perceive the independence of courts and judges to be 'fairly or very good'.

- **a law to ensure the accountability and criminal liability of the Prosecutor General and his/her deputies was finally adopted by Parliament** on 26 May 2023, hereby addressing a longstanding issue raised by former Commission RoL reports, the ECtHR and the Council of Europe bodies, which was also included in the Bulgarian RRP (milestone 222 on the accountability and criminal liability of the Prosecutor General) and in the CVM. The Commission also underlines that both the Venice Commission and the Council of Europe's Committee of Ministers expressed support in relation to the law.²⁸ The law provides that in case of an investigation against the PG/deputies, the chair of the Criminal Chamber of the Supreme Cassation Court (SCC) is notified; a randomly selected judge is appointed by Prosecutorial Chamber of the SJC as prosecutor for the investigation; in case of indictment, a second judge is appointed as Deputy Prosecutor General controlling the acts taken by the first judge appointed as prosecutor. On 5 June 2023, the (former) Prosecutor General challenged the constitutionality of the law.

- **the former Prosecutor General Ivan Geshev was dismissed on 15 June 2023 and replaced ad interim by his Deputy.** The former PG Ivan Geshev, who started as PG end of 2019, has always been a controversial figure and during the 2019 demonstrations in Bulgaria protesters called for his resignation, along with that of Borissov, the former PM, who was perceived as a sponsor and close ally of Geshev. The former PG's weak record in terms of fighting corruption, and notably high-level corruption, was highlighted by critics, NGOs and protestors.

While in July 2022 the SJC initially rejected a motion by the then Minister of Justice requesting the SJC to terminate the PG mandate, on 15 June 2023 the Plenary of the SJC voted 16 to 4 to terminate his mandate for undermining the prestige of the judiciary. Few weeks before, Geshev announced belated investigations into a number of politicians, including Borissov, and senior magistrates; stated that he was pressured to step down; and that he had escaped a bomb attack - but doubts were raised on whether the incident was staged. During a press conference in May 2023 he also pledged to take down those MPs opposing him and rid the National Assembly of its "political garbage", something that was cited by the SJC explanation to remove him as he had crossed red lines and violated "the principles of 'politeness and tolerance' and 'honesty and decency' in the Code of Ethical Behavior of Bulgarian Magistrates".²⁹ The Deputy PG Borislav Sarafov, among many others, distanced himself from Geshev and called for him to step down.³⁰ On 15 June, Geshev's mandate was terminated, and on 16 June 2023,

²⁸ The Venice Commission, in its opinion of October 2022, considered "that the mechanism proposed by the draft law could be read as being consistent with the constitutional framework, and would be capable of aligning the system to a considerable extent with the requirements of the European Convention for Human Rights (ECHR), as set out in the judgments of the ECtHR in cases Kolevi and S. Z. v. Bulgaria. The Council of Europe's Committee of Ministers equally considered that the draft law overall responded to its Interim Resolution of 2019, while remaining within the existing constitutional framework and providing for key safeguards".

²⁹ <https://www.politico.eu/article/ivan-geshev-bulgaria-chief-prosecutor-fired-judicial-authority/>

³⁰ <https://www.politico.eu/article/bulgaria-chief-prosecutor-ivan-geshev-demise-justice-reform-protests-corruption-mafia-state/>

the Prosecutorial chamber of the SJC **selected the Deputy PG Borislav Sarafov as ad interim Prosecutor General and the Director of the National Investigative Service as acting Deputy**, until a new Prosecutor General is appointed. The Justice Minister appealed Sarafov's appointment, but the Supreme Judicial Council refused to remove him. In a YouTube address on 19 June 2023, Geshev expressed publicly his will to enter politics and create a party.

- A **law to introduce judicial review against decisions of prosecutors not to open investigations on serious crimes and some other corruption related crimes was adopted** on 26 May 2023 by Parliament, as also foreseen by the BG RRP. The request has first to be appealed before a higher standing prosecutor, and only in case of a confirmatory decision there be a possibility to appeal the decision before the court.

- The issue of the **composition of the Supreme Judicial Council remains a concern**, and the Commission RoL report 2023 notes that there has been **no progress** in relation to the RoL 2022 recommendation:

Rec 3 RoL 2022	Take steps to adapt the composition of the Supreme Judicial Council, taking into account European standards on Councils for the Judiciary.
Evaluation RoL 2023	No progress yet on taking steps to adapt the composition of the Supreme Judicial Council, taking into account European standards on Councils for the Judiciary.
Rec 3 RoL 2023	Step up efforts to adapt the composition of the Supreme Judicial Council, taking into account European standards on Councils for the Judiciary.

The concerns revolve around the fact that:

1) judges elected by their peers do not form a majority in the SJC: since 1 July 2021, the SJC functions with only four peer-elected judges due to the resignation of two peer-elected members. Furthermore, the SJC mandate expired on 4 October 2022 but its composition was not renewed and it continues functioning with the same composition, for an undetermined period of time. Furthermore, on 26 May 2023, the Parliament annulled the elections for peer-elected members of the SJC that took place in 2022 (the CC is examining the legality of this decision) and also introduced the possibility to take disciplinary measures against a SJC member for their actions as members of the body, which has raised the Commission concern.

2) the Prosecutor General retains a decisive role and enjoys a considerable influence within the Prosecutor's Office as well as potentially within the SJC (both in its Prosecutorial Chamber and its Plenary) and within the magistracy, as reflected also by the voting practice of the SJC. The BG RRP foresees to reform it and a law is being discussed in Parliament.

- The Government believes that a change in the composition of the SJC would require an amendment to the Constitution and that the Commission's recommendation in this respect could not be addressed in the current political context, which leads the COM to affirm that "There has thus been **no progress** on the implementation of the recommendation made in the 2022 Rule of Law Report."

- The 2023 Commission RoL report on BG notes that there has been **no progress to improve the functioning of the Inspectorate to the SJC** - which deals with ethical and disciplinary issues - and **avoid the risk of political influence**, in particular by involving judicial bodies in the selection of its members, instead of the current system whereby the Inspector General and the ten inspectors are elected by Parliament.

Rec 2 RoL 2022	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.
Evaluation RoL 2023	No progress yet on advancing 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.
Rec 2 RoL 2023	Advance with the preparation of 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.

The Government maintains that such reform would need a constitutional change.

The Inspectorate is currently operating with an expired mandate, until their successors are appointed by Parliament. The Commission consequently concludes that "Given that no measures have been taken yet to advance with legislative amendments aiming at improving the functioning of the ISJC and avoiding the risk of political influence, **no progress** on the implementation of the recommendation is reported" and maintained its recommendation.

- concerning the finalisation of competitions for the promotion of judges to avoid long-term secondments to fill in vacant positions, the Commission registers in the RoL report 2023 "**Significant progress**".

Rec 1 RoL 2022	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.
Evaluation RoL 2023	Significant progress on ensuring 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.
Rec 1 RoL 2023	Take steps to adapt the relevant legislative framework to avoid long-term secondment of judges to fill in vacant positions, taking into account European standards on secondment of judges.

Previous Rule of Law Reports highlighted with concern the absence of regular competitions for the promotion of magistrates, as well as the extensive use of secondments. Recently a series of competitions for promotions were concluded and the possibility for secondments of prosecutors and investigators (but not the one of judges) for an undetermined period removed. The Commission considered that the reform takes into account European standards. The fact that secondments are still possible for judges remains an issue. For these reasons, the Commission considers that "there is **significant progress** in implementing the recommendation", which is maintained.

- A number of **specialised judicial authorities operating in BG were closed** by the law of 14 April 2022, and after an appeal by the PG, the Constitutional Court confirmed its overall **constitutionality** and magistrates were placed at the judicial bodies of their choice.

3.1.2. Quality

The European Commission highlighted in its 2023 RoL report that:

- new laws regarding the **expansion of legal aid and mandatory judicial mediation** were adopted by Parliament in December 2022 and January 2023, with the aim of improving the accessibility of courts, as foreseen also by Bulgaria's RRP.

- some steps have been taken to amend the legislation on the introduction of fully **digitalised justice** and **a draft law was re-tabled** on 13 April 2023. The current system in use, the Unified Information System for Courts, is criticised by judges and court staff and led to litigation, which reconfirmed that it shall be used. There is **limited improvement of the availability of electronic communications** within the justice system and RRP projects to improve the digitalisation are scheduled for this year and 2024.

3.1.3. Efficiency

The Commission RoL report 2023 notes that:

- data gathering has persisting shortcomings, which prevents evaluation of the overall efficiency of the judicial system and detection of specific inefficiency problems.

- administrative justice continues to perform efficiently.

3.2. Corruption

3.2.1. Anti-corruption bodies, reform of the Anti-Corruption Commission

The table below presents the bodies responsible to counter corruption in BG.

A draft law by the government to reform the Anti-Corruption Commission and improve its effectiveness was being examined by Parliament, as envisaged under Bulgaria's RRP (milestones 218 on the entry into force of the legislative amendments reforming the Anticorruption and the Illegal Assets Forfeiture Commission; and 220 on the Anti-Corruption body set up and operational). The reform aims at splitting the Commission in two separate bodies and granting it investigative powers. The Parliament did not appoint a chair for the Anti-Corruption Commission since the previous chair resigned in February 2022. The Anti-Corruption Commission is criticised by civil society, while OECD recommended improvements on integrity checks and codes of ethics for civil servants. The National Assembly has reportedly recently **approved the law**.³¹

The Commission also notes that the impact of the closure of the specialised judicial authorities in the fight against corruption (Specialised Prosecutor's Office and Specialised Criminal Courts in the fight against corruption) cannot yet be fully assessed, with prosecutors expressing concerns on the lack of expertise at regional and appellate level authorities.

³¹ <https://sofiaglobe.com/2023/09/21/bulgarias-parliament-approves-anti-corruption-legislation/>

Anti-corruption body	Responsibilities
- Commission for Counteracting Corruption and Illegal Assets Forfeiture (the AntiCorruption Commission)	Responsible for both preventive and sanctioning actions for high-profile corruption, the implementation of rules on asset declarations and conflicts of interests, the confiscation of illegally acquired assets, carrying out certain investigation activities as well as the monitoring of the implementation of institutional integrity action plans.
- National Investigation Service - State Security Service - Internal Security Directorate - Chief Inspectorate	Responsible for various additional functions in the prevention and repression of corruption
- Judicial authorities: regional and appellate judicial authorities	Responsible for cases concerning corruption and special criminal offences (including high-level corruption)
- National Anti-Corruption Council	Functions as an interministerial advisory body, including for the implementation of the 2021-2027 National Strategy for Prevention and Countering Corruption; its works have not started.

3.2.2. Perception

The **perception of corruption in the public sector continues to be high**, as Bulgaria scores 43/100 and ranks 26th in the European Union and 72nd globally in the 2022 Corruption Perceptions Index by Transparency International. The 2023 Special Eurobarometer on Corruption confirms this perception across indicators.

3.2.3. National Anti-Corruption Action Plan

The **2021-2027 National Strategy for Prevention and Countering Corruption** continues to be implemented and reports will be published by 2026, as foreseen in the RRP (milestone 226 states that the latest possible deadline for these implementation reports is Q1 2026; BG committed to provide "Annual analyses on the implementation of the National Strategy for Preventing and Combatting Corruption (2021-2027) and its associated Roadmap and annual reporting on the progress of implementation in the context of the European Rule of Law mechanism"). Still, a number of measures have been delayed, the Anti-Corruption Council work has not started and there are concerns that the responsibilities of the Anti-Corruption Commission and the Anti-Corruption Council may overlap.

3.2.4. Corruption investigations, prosecutions and judgments

The Commission notes in its 2023 RoL report on BG that there has been **no progress made on improving the track-record in high-level cases of corruption**, which was the 5th recommendation of the 2022 RoL report on BG:

Rec 5 RoL 2022	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.
Evaluation RoL 2023	No progress on improving the effectiveness of investigation and a robust track-record of prosecution and final convictions in high-level cases of corruption including through the institutional reform of the Anti-Corruption Commission and specialised judicial authorities

Rec 4 RoL 2023	Ensure an improved effectiveness of investigations and a robust track-record of prosecution and final judgments in high-level corruption cases including through the institutional reforms of the Anti-Corruption Commission.
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The Commission states that: “Given that accurate reporting, including disaggregated data, on high-level corruption cases remains lacking, it is not possible to conclude that there are concrete results on the track-record of high-level case of corruption...Regular annual reporting on high-level corruption cases, envisaged under the RRP to improve accuracy and reliability of data, has not yet started although a working group on the issue has been set-up... Overall, the perception remains that the prosecution remains ineffective, sometimes leading to a lack of effective investigations in corruption cases or charges brought forward”.

RRP Milestone 222 for Bulgaria states that reports are expected to include data on the number of the high-level corruption cases filed, the number of cases concluded, detailed descriptions of the grounds for conclusion (both in the investigative stage and trial stage), number of convictions and acquittals, as well as indicators defining the cases for high-level corruption.

Stakeholders note that the ratio of convictions in high-level corruption cases is low and few cases reach the final stages of proceedings.

GRECO called for more proactive and systematic investigations and prosecutions for corruption offences, a removal of procedural impediments, and an effective and proportionate sanctioning - see the Annex with the GRECO recommendations.

The US and the UK sanctioned a number of Bulgarian political figures under their Global Magnitsky Act in relation to high-level corruption in February 2023, against whom investigations or indictments were suspended or dismissed in Bulgaria.³² In June 2021, the US had already sanctioned three Bulgarian individuals for their extensive roles in corruption, as well as their networks encompassing 64 entities.³³

In March 2022, the **Bulgarian police held in administrative detention the former Prime Minister Borissov**, the former Finance Minister Vladislav Goranov, the former chair of the parliamentary budgetary commission Menda Stoyanova and Borissov’s media adviser Sevdalina Arnaudova. They were detained for 24 hours and released; an administrative court ruled that the arrest warrants were issued illegally.

Furthermore, on May 25, Krassimir Kanev “Kyro”, along with three other people, was shot dead in his home in Cape Town, South Africa; in August Alexei Petrov “The Tractor”, once a member of Bulgarian security service and later alleged member of the organised crime world, was assassinated in Sofia;³⁴ Vasil Bozhkov “The Skull”, a businessman among the richest of Bulgaria, and accused of 20 crimes and

³² “The Department of the Treasury’s Office of Foreign Assets Control (OFAC) sanctioned five current or former Bulgarian government officials — Rumen Stoyanov Ovcharov (Ovcharov), Aleksandar Hristov Nikolov (Nikolov), Ivan Kirov Genov (Genov), Nikolay Simeonov Malinov (Malinov), and Vladislav Ivanov Goranov (Goranov) — for their extensive involvement in corruption in Bulgaria”, press release of 10 February 2023 by the US Department of the Treasury,

“Treasury Sanctions Corrupt Elites Across Bulgarian Political Spectrum”, [https://home.treasury.gov/news/press-releases/jy1264#:~:text=WASHINGTON%20%E2%80%94%20Today%2C%20the%20Department%20of,\(Malinov\)%2C%20and%20Vladislav%20Ivanov](https://home.treasury.gov/news/press-releases/jy1264#:~:text=WASHINGTON%20%E2%80%94%20Today%2C%20the%20Department%20of,(Malinov)%2C%20and%20Vladislav%20Ivanov).

³³ “Treasury Sanctions Influential Bulgarian Individuals and Their Expansive Networks for Engaging in Corruption”, press release of 2 June 2021 by the US Department of the Treasury, <https://home.treasury.gov/news/press-releases/jy0208>; the US action targeted “Vassil Kroumov Bojkov, a prominent Bulgarian businessman and oligarch; Delyan Slavchev Peevski, a former Member of Parliament; Ilko Dimitrov Zhelyazkov, the former Deputy Chief of the Bulgarian State Agency for Technical Operations who was appointed to the National Bureau for Control on Special Intelligence-Gathering Devices”.

³⁴ <https://balkaninsight.com/2023/08/17/murder-of-alleged-crime-figure-shocks-bulgaria/>

who had escaped to Dubai in 2020, returned to BG in August - according to the PG he was extradited by UAE - to be detained (he had previously asked to be a protected witness to make revelations against Borissov).

The Commission consequently concludes that "there has been **no progress** on the implementation of the recommendation made in the 2022 Rule of Law report" and reiterates the recommendation in 2023.

3.2.5. Cooperation with EPPO

The **European Public Prosecutor's Office (EPPO)** has been active in BG, for instance carrying out searches and investigative measures in a probe into possible fraud regarding the EU Emissions Trading System (EU ETS), which involves losses of millions of euro to the EU and national budgets.³⁵ Furthermore, investigations carried out by the European Anti-Fraud Office (OLAF) and the European Public Prosecutor's Office (EPPO) have pointed to possible irregularities in the implementation of a railway infrastructure project of over €140 million in Bulgaria.³⁶ Other inquiries have also been launched on other issues.³⁷

EPPO issued a press release in February 2023 where it reported about a meeting of Kovesi with the Interior Minister during which "she insisted on the need for the Bulgarian authorities to deliver key improvements in this respect: the actual establishment of an independent administrative structure for the EPPO's office in Sofia, already foreseen under national law; the urgent assignment of dedicated and specialised police investigators to the EPPO; as well as the nomination of the missing qualified candidates for the position of European Delegated Prosecutor." An agreement to detach police officers to the EPPO was pending with the Ministry of Interior.³⁸

On 9 August 2023, EPPO issued a press release on the arrest of Mayor of General Toshevo arrested in probe into subsidy fraud involving social housing;³⁹ on 1 September 2023, on its opening of an investigation into a construction project in Varna in 2021, based on a report by OLAF;⁴⁰ on 15 September 2023, on the designation of police officers that will work exclusively on EPPO investigations;⁴¹ on 26 September, on arrests and searches in BG on organised crime group and agricultural funds.⁴²

³⁵ <https://www.epo.europa.eu/en/news/bulgaria-epo-probes-multi-million-euro-fraud-regarding-greenhouse-gas-emissions>

³⁶ https://anti-fraud.ec.europa.eu/media-corner/news/bulgaria-suspected-irregularities-over-eu140-million-railway-infrastructure-project-2023-08-23_en

³⁷ <https://sofiaglobe.com/2023/03/31/european-prosecutors-probe-possible-corruption-eu-funds-abuse-in-bulgarias-capital/>; see also EPPO statistical data for 2022 in the report on BG https://www.epo.europa.eu/sites/default/files/2023-03/8%20EPPO%202022%20Annual%20Report%20EN_BG_0.pdf

³⁸ "Meeting between European Chief Prosecutor and Bulgaria's Minister for Justice", EPPO press release published on 23 February 2023, <https://www.epo.europa.eu/en/news/meeting-between-european-chief-prosecutor-and-bulgarias-minister-justice>.

³⁹ <https://www.epo.europa.eu/en/news/bulgaria-mayor-general-toshevo-arrested-probe-subsidy-fraud-involving-social-housing>

⁴⁰ <https://www.epo.europa.eu/en/news/statement-european-public-prosecutors-office-regarding-press-conference-mayor-varna>

⁴¹ <https://www.epo.europa.eu/en/news/bulgaria-designated-police-officers-work-exclusively-epo-investigations>;

⁴² <https://www.epo.europa.eu/en/news/bulgaria-epo-investigation-organised-crime-group-three-arrests-and-searches>

3.2.6. Foreign bribery

Following criticism by the OECD on the lack of effectiveness of detection, investigation and prosecution of **foreign bribery**, a legislative reform is planned under the 2021-2027 Anti-Corruption Strategy, in line with OECD recommendations, for 2023.

3.2.7. Integrity

- The Commission noted in its RoL report 2023 that “**Some progress** has been made on **corruption prevention** measures aimed at improving the **integrity** of specific sectors of the public administration, including the **police and the judiciary**”, which was an issue raised by Recommendation 4 of the BG RoL report 2022:

Rec 4 RoL 2022	Continue the implementation of measures to improve the integrity of the specific sectors of the public administration, including measures tailored to the <u>police</u> and the <u>judiciary</u> .
Evaluation RoL 2023	Some progress regarding corruption prevention measures aimed at improving the integrity of specific sectors of the public administration, including the police and the judiciary.
Rec 5 RoL 2023 <i>modified</i>	Improve the integrity of <u>top executive functions</u> , taking into account European standards, in particular by ensuring that <u>clear integrity standards for the Government as well as an appropriate sanctioning mechanism</u> are in place.

While the Ministry of Interior implements projects to improve and set high standards for the integrity of the **police** (particularly the border police), GRECO has raised concerns on remaining gaps (notably in relation to the lack of operational independence of the police from the Ministry of the Interior; and dedicated anti-corruption policies, such as a detailed code of conduct for the police, risk assessment or rules on gifts) and issued recommendations (see Annex). A working group drafted an action plan to address them.

As regards the **judiciary**, authorities are revising the law on the Inspectorate to the Supreme Judicial Council to strengthen the corruption prevention systems, as foreseen by the RRP (see also above section on the Inspectorate): milestone 219 of the Bulgarian RRP states that ISJC needs to progress on a revision of the ethical guidelines for the conduct of magistrates, the reporting of its cases and the delivery of anti-corruption training courses, which is ongoing.

A number of measures to improve the integrity of specific sectors are being implemented, leading the Commission to evaluate that there has been “**some progress**” in the implementation of the 2022 Recommendation.

On **public procurement**, Parliament adopted amendments to the Public Procurement Act in December 2022 to increase transparency and competition and prevent and counter corrupt practices - as required also by the RRP for 2023-2024 (Milestones 242-250).

GRECO and civil society have underlined that serious gaps remain as regards integrity of top executive functions, notably as there are no legal requirements on the integrity or incompatibilities of Ministers’ cabinet members and top executive functions, no comprehensive code of conduct, and no sanctioning mechanism. It also noted that it is unclear whether the Chief Inspectorate and other ministerial inspectorates are functionally independent to prevent corruption adequately.

For this reason, the 2023 Recommendation on improving integrity focuses on top executive functions and on the Government, including through sanctions.

3.2.8. Asset declarations

Concerning rules on **asset and interest disclosure for public officials**, the Commission notes that while these are systematically implemented, improvements are needed in terms of the effectiveness of verifications and sanctions. It also states that the Anti-Corruption Commission is overburdened and the “control mechanism appears superficial and not sufficiently dissuasive. Civil society also signals the lack of higher sanctions in case of repeated violations of the Law on Anti-Corruption and Illegal Asset Forfeiture”.

3.2.9. Lobbying

Lobbying is unregulated and a working group is tasked to propose legislation before the end of the year, as recommended by GRECO and included in the BG RRP. Bulgaria has committed to adopt legislative measures to regulate lobbying under the framework of the RRP by the end of 2023.

3.2.10. Political parties financing

Audits on political party financing by the National Audit Office are taking place, although the framework has come under increased strain due to the frequent elections and the related five electoral audits for the five electoral campaigns that took place in 2021-2022. Reports were sent to the Prosecutor's Office for possible criminal violations, but no follow up was given to it. The National Audit Office operates with an expired mandate, while its chair was dismissed by Parliament in January 2023 and reinstated by the Constitutional Court.

3.2.11. Investor Citizenship Scheme

The **investor citizenship scheme was abolished** as of 5 April 2022, the former head of the body in charge of it has been charged and passports were revoked due to investors' failure to comply with the law.

3.2.12. Whistleblowers

Legislation on whistleblowing transposing the EU Whistleblowers Directive was adopted by Parliament in January 2023, as also foreseen by the BG RRP. The Commission for Data Protection has been charged with receiving the whistleblowers' reports.

As recalled by the Commission, Milestone 217 of Bulgaria's RRP requires that Bulgaria “[introduces] the requirements of Directive (EU) 2019/1937, notably: the creation of confidential internal and external channels for reporting irregularities and corruption; the establishment of verification mechanisms of the submitted signals; providing protection and support measures to whistle-blowers; ensuring provision of feedback and publicity on the results of the performed inspections based on signals.

4. FUNDAMENTAL RIGHTS

4.1. Media Freedom and Pluralism, Freedom of Expression and Information

4.1.1. General information and reports by Media Pluralism Monitor, NGOs and associations

Bulgaria ranks **71st** out of 180 monitored countries in the 2023 **World Press Freedom Index** of Reporters without Borders, **advancing 20 posts** in comparison to 2022, when it was 91st.

The 2023 **Media Pluralism Monitor** for Bulgaria⁴³ attributes the following risk levels to the various indicators: Fundamental Protection (46% - medium risk), Market Plurality (76% - high risk), Independence (60% - medium risk) and Social Inclusiveness (73% - high risk); the below table reports the various areas and indicators of the Media Pluralism Monitor and the percentage of risk for each one (low risk, medium risk, high risk):

Fundamental Protection 46	<u>Market Plurality</u> 76	Political Independence 60	<u>Social Inclusiveness</u> 73
Protection of freedom of expression 55	Transparency of media ownership 29	Political independence of the media 42	<u>Representation of minorities</u> 67
Protection of right to information 46	<u>Plurality of media providers</u> 88	<u>Editorial autonomy</u> 75	<u>Local/regional and community media</u> 75
Journalistic profession, standards and protection 59	<u>Plurality in digital markets</u> 92	Audiovisual media, online platforms and elections 27	<u>Gender equality in the media</u> 64
Independence and effectiveness of the media authority 37	<u>Media viability</u> 79	State regulation of resources and support to the media sector 63	<u>Media Literacy</u> 70
Universal reach of traditional media and access to the Internet 33	<u>Editorial independence from commercial and owners' influence</u> 92	<u>Independence of PSM</u> 94	<u>Protection against disinformation and hate speech</u> 90

Source: Report 2023 MPM Bulgaria,

https://cadmus.eui.eu/bitstream/handle/1814/75716/Bulgaria_results_mpm_2023_cmpf.pdf?sequence=1&isAllowed=y

Reporters Sans Frontières 2023 report chapter on Bulgaria notes that “Media freedom in one of the poorest and most corrupt countries in the European Union is fragile and unstable. The few independent voices in Bulgaria work under constant pressure.”⁴⁴

4.1.2. The Bulgarian Council for Electronic Media (CEM)

The Commission RoL report 2023 highlights persisting concerns about the lack of sufficient safeguards for the independence of the media regulator, the Council for Electronic Media (CEM), from political

⁴³ https://cadmus.eui.eu/bitstream/handle/1814/75716/Bulgaria_results_mpm_2023_cmpf.pdf?sequence=1&isAllowed=y

⁴⁴ <https://rsf.org/en/country/bulgaria>

influence and actions. This concern is also revealed by the **Media Pluralism Monitor** (the indicator on independence and effectiveness of the media regulator scored a risk of 37%). **RSF** notes that "The political affiliation of the members of the Council for Electronic Media negatively affects the editorial independence of the public media".

The media regulator failed to elect a new Director General of the Bulgarian national television, which leads to the continued mandate of the present Director-General.

4.1.3. Transparency of media ownership

The Commission reports about **persisting issues on the effective transparency of media ownership and enforcement of obligations, in particular for online media**: a register held by CEM covers media ownership of radio and television, while the Ministry of Culture holds a public register with beneficial ownership declarations of media outlets and of funding received from public funds, political parties, etc. Concerns have been expressed on the fact that not all media declare their ultimate owners and notably some online media (notably those propagating disinformation). A Ministry of Culture expert working group is examining changes to the 2018 Law on the Deposit of Copies to improve the availability of media ownership information.

4.1.4. Allocation of state advertisement

The Commission RoL report notes "**some progress**" as regards transparency in the allocation of state advertising. The 2022 Rule of Law Report recommendation nr 6 called for improvements of transparency in the allocation of state advertising, in particular with regard to state advertising contracted through intermediaries, such as media agencies. Notwithstanding some improvements, several print media and websites fail to declare information and "the overall picture regarding allocation of state advertising by the public authorities has not improved, and the absence of clear rules on how public funds are allocated to the media has raised concerns that this may be based on their perceived editorial loyalty". RSF notably denounced that state advertising is used by the government for media capture. An expert working group on the media environment is deemed to discuss the issue of state advertisement, which would be regulated in the context of the European Media Freedom Act.

RSF states that "The media are almost entirely dependent on income from advertising, in which the state plays an important role. Distribution of national and EU funds to the media by the government is completely non-transparent, which allows the trading of public funding for favorable coverage."⁴⁵

⁴⁵ <https://rsf.org/en/country/bulgaria>

The RoL report 2023 consequently keeps the recommendation (nr 6):

Recommendation 6 RoL report 2022	Improve transparency in the allocation of state advertising, in particular with regard to state advertising contracted through intermediaries, such as media agencies.
Evaluation RoL 2023	Some progress on improving transparency in the allocation of state advertising, in particular with regard to state advertising contracted through intermediaries, such as media agencies.
Recommendation 6 RoL report 2023	Advance with the work aimed at improving transparency in the allocation of state advertising, in particular with regard to state advertising contracted through intermediaries, such as media agencies.

4.1.5. Independence from political interference

The COM RoL report 2023 notes that **notwithstanding the legal safeguards for editorial independence, there are concerns about political influence over the media**. The 2023 Media Pluralism Monitor registers some improvement, but also the absence of sufficient safeguards on conflicts of interests and influence of political actors or economic entities on media, or on media concentration.

The 2023 Media Pluralism Monitor considers that **independence of public service media scores a high risk**. The revision of the law aimed at strengthening the independence of public service media is still pending.

RSF notes that “The political affiliation of the members of the Council for Electronic Media negatively affects the editorial independence of the public media”, that “the independence of private media is threatened by their owners’ interests in regulated sectors” and that “Intimidation from politicians as well as administrative and judicial pressures against publishers and journalists are a common practice”.⁴⁶

4.1.6. Protection of journalists, freedom of the media, SLAPPs

The Commission RoL report 2023 highlights that:

- **journalists continue to receive threats**, including physical threats, and more and more online (notably in relation to vaccinations and Russia attack on Ukraine);

- **SLAPPs cases against journalists persist** (a recent defamation claim made against a media service provider seeks an unprecedented compensation of around EUR 500 000); the working group on the media environment will examine also the protection of journalists from SLAPPs.

- **crimes of insults and defamation** have been amended to reduce the fines; on **access to public information, issues remain**, with some improvements in relation to institutional websites, but administrative tacit refusals persist. Recently, amendments aiming to restrict access were rejected by Parliament. These developments were welcomed by RSF in a press release, calling the BG government to implement further reforms.⁴⁷

- **four new alerts** regarding attacks and harassment of journalists were registered in 2023 on the **Council of Europe Platform** to promote the protection of journalism and safety of journalists, with one that has not yet been replied by BG. This year’s alerts concern a BNT Reporter Forcefully Removed from Public Event of Far-Right Vazrazhdane Party (22 June 2023), Bulgarian Authorities Release Taped

⁴⁶ <https://rsf.org/en/country/bulgaria>

⁴⁷ <https://rsf.org/en/bulgarian-government-urged-engage-fully-defence-press-freedom>

Conversation with Journalistic Source (16 June 2023), Deutsche Welle Journalist Emilia Milcheva Targeted by Police and Vazrazhdane Party (6 April 2023), Mediapool Sued for Record €500,000 by Bulgarian Insurance Company (10 March 2023). The cumulative total from 2015 to today is of 30 active alerts, 10 alerts without reply, 7 resolved alerts.⁴⁸

RSF notes that "Investigative reporters covering organized crime and corruption are regularly threatened. In addition, media specializing in minority issues or funded by foundations from Western Europe and the United States are frequently confronted with hostility and hate campaigns." It also underlines that "Threats and physical assaults against journalists in Bulgaria are a persistent problem, but an even bigger issue is the unwillingness of the authorities to investigate or condemn them. Journalists working outside the capital city are even more exposed to such threats."⁴⁹

Recently, **RSF called on governments to implement the Commission recommendation on safety of journalists** and when contacted by RSF, "The Bulgarian cabinet's spokesperson, Konstantina Markova, said an inter-ministerial working group on the protection of journalists was launched this summer and that it will "continue working on key recommendations." This initiative is in line with the wave of positive signals already sent by the Bulgarian government in July and August."⁵⁰

4.2. Fundamental rights and Equality

4.2.1. Racism, xenophobia, antisemitism, minorities, hate crime and hate speech

The **FRA Annual report 2023**⁵¹ notes that "In 2022, as in previous years, some national politicians used their platforms to fuel intolerance. In Bulgaria, politicians increased **hate speech** against ethnic and religious minority groups, migrants and asylum seekers, according to a non-governmental organisation (NGO)."

Bulgaria is one of the 12 Member States that failed to fully and correctly incorporate the provisions the **Framework Decision on Racism and Xenophobia** into national law, which led the Commission to initiate infringement proceedings by sending letters of formal notice in February 2021. The Commission stated that "Bulgarian legal frameworks do not ensure that the **racist and xenophobic motivation is taken into account by national courts as an aggravating factor** for all crime committed, therefore failing to ensure hate crimes are effectively and adequately prosecuted. Bulgaria has **failed to transpose correctly the criminalisation of specific forms of hate speech, which incite violence or hatred, namely the public condoning, denial or gross trivialisation of international crimes and the Holocaust**".⁵²

Recently concerns were expressed in relation to a **rise in antisemitic rhetoric and incidents** by extreme-right wing militants, including of the Vazrazhdane party, and the European Jewish Congress, the World Jewish Congress and the Anti-Defamation League issued statements or written to Bulgarian Prime Minister Denkov to express their concern and shock at comments of extremist politicians. PM Denkov publicly condemned "unacceptable" behavior and calls for aggression. The Justice Minister Slavov called on the public prosecutor's office to inquiry on incitement to violence.⁵³ The Bulgarian

⁴⁸ <https://fom.coe.int/en/pays/detail/11709492>

⁴⁹ <https://rsf.org/en/country/bulgaria>

⁵⁰ <https://rsf.org/en/member-states-must-do-more-implement-european-commissions-recommendation-journalists-safety>

⁵¹ http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf

⁵² https://ec.europa.eu/commission/presscorner/detail/en/inf_21_441

⁵³ <https://www.dw.com/en/bulgaria-concerns-over-a-spike-in-antisemitic-incidents/a-66041664>

Helsinki Committee tabled a petition to the Prosecutor's Office calling to take action to dissolve the Vazrajane party and declare its activities unconstitutional due to its violent and anti-democratic acts.⁵⁴

4.2.2. Women's rights

The **FRA report 2023** recalls that Bulgaria is one of the six EU MS that have **not yet signed the Istanbul Convention** and that Parliament has adopted some legislative changes to ensure better protection for victims of domestic and sexual violence by bringing national definitions of the phenomenon in line with international standards set in the Istanbul Convention and **criminalise all instances of violence** and not only 'systematic' violence. Victims can also request that a person of the same sex conducts the questioning.

The case of an 18-year-old woman who was brutally assaulted by her ex-boyfriend, attacked and cut with a knife and had her nose broken, while the aggressor almost escaped sentencing due to gaps in legal system and in the prosecution, triggered a **wave of protests** in cities all over Bulgaria in July 2023. This led the government and the Parliament in August to modify during an emergency session a recently adopted law on protection against domestic violence to **enlarge its scope** so to cover violence committed among persons in an intimate relationships, and not only among married couples. They also tightened the penal code and **increased penalties.**⁵⁵

4.2.3. Roma

FRA notes in its Annual Report 2023 that Bulgaria is one of the (nine) Member States that have adopted an action plan to implement their **national strategies**. Still, the (lack of) involvement of civil society organisations in the drafting and consultation process was criticised by stakeholders.

The report mentions **educational segregation** as being particularly worrying as almost two thirds of Roma children (64 %) attend segregated schools. **ECRI** recommends in its report on Bulgaria that the authorities strengthen integration policies and act to overcome de facto segregation of Roma children in kindergartens or schools. FRA notes that several initiatives were undertaken with municipalities to desegregate schools.

On 4 October 2022, in *Paketova and Others v. Bulgaria*, the ECtHR found a violation of the ECHR in the authorities' omissions resulting in ethnic Roma being driven **away from their homes** after anti-Roma protests and not being able to return.

Recently, Roma activists and NGOs have brought cases to the Commission for Protection Against Discrimination against **hate speech by extreme-right wing extremists.**⁵⁶

4.2.4. LGBTIQ+

Bulgaria scores **20% in the ILGA-Europe Rainbow map, being the 40th over 49** European States and notably **the 3rd worst placed EU Member State** on the basis of a series of legal and policy criteria.

⁵⁴ <https://www.bghelsinki.org/en/news/2023-07-31-press-vazrajane>

⁵⁵ <https://www.dw.com/en/bulgaria-mass-protests-highlight-violence-against-women/a-66439669#:~:text=In%20addition%2C%20over%2020%25%20of,Institute%20of%20Bulgaria%20in%202021> and <https://balkaninsight.com/2023/08/07/amendments-to-bulgarian-domestic-violence-law-pass-after-heated-debate/>.

⁵⁶ <https://www.europeaninterest.eu/article/romani-activists-launch-legal-actions-against-bulgarian-far-right/>, <https://www.rferl.org/a/32512017.html>

ILGA-Europe recommended to fill in the gaps by recognising same-sex relationships, adopting laws on hate crime and hate speech and reviewing legal gender recognition.⁵⁷

ECRI's 2022 country report called on Bulgaria to set up an LGBTI working group, with the participation of LGBTINGOs, and to develop a national strategy to address discrimination against LGBTI persons, as well as to develop legislation on gender reassignment and its recognition ensuring that it is in line with international human rights standards and expertise.⁵⁸

In a number of cases related to SOGIE, the ECtHR condemned Bulgaria for violations of the ECHR:

In its most recent case of 5 September 2023, the Court held that the lack of any legal recognition and protection in Bulgaria of a same-sex couple, in this case married abroad, amounts to a violation of the ECHR (case **Koilova and Babulkova v. Bulgaria**, application no. 40209/20).⁵⁹

Bulgaria was also condemned for failing to consider the homophobic crime motivations of murderers as an aggravating factor in their sentencing (14 June 2022, **Stoyanova v. Bulgaria**, No. 56070/18; the Court ordered Bulgaria to pay compensation to the mother of a gay man who was murdered by a group in Sofia in 2008).

Bulgaria was also condemned for refusing to accept the request of the applicant, a trans woman, to change her name and ID number to reflect her gender (27 Sept 2022, **P.H. v. Bulgaria**, No. 46509/20). Notwithstanding the latter judgment, on 20 February 2023, the Bulgarian Supreme Court of Cassation exercising supreme judicial supervision over civil and criminal law cases has rejected the possibility for legal gender reassignment of transgender people, hereby substantially barring it.⁶⁰

Also the **CJEU** examined a case involving Bulgaria, in the judgment in **V.M.A. v. Stolichna obshtina**, concerning the refusal to recognise a birth certificate issued in another Member State indicating two parents of the same sex as the legal parents of a child. The Sofia City Administrative Court ordered Sofia Municipality to issue a birth certificate to the child indicating both women as parents, but when the parents applied to the Bulgarian consular office in Barcelona for the child's passport, their application was rejected. Meanwhile, the Sofia Municipality brought the case to the Supreme Administrative Court, that refused to recognise the child's Bulgarian citizenship.

NGOs consistently expressed concern on the weakness of the response to **hate crime and hate speech**, with LGBTIQ persons often being one of the main targets. Anti-LGBTIQ motives were not considered aggravating factors, while hate crime was not criminalised. This led to weak judgments and measures for violent attacks, such as the one involving a group of hooligans led by a politician who stormed into the Rainbow Hub, punched a staff member in the face, destroyed the furniture and electronics and was only fined. On 10 June 2023, far-right demonstrators blocked the screening of a

⁵⁷ <https://rainbow-europe.org/#8626/0/0> and the section on Bulgaria in the Annual review by ILGA-Europe <https://www.ilga-europe.org/report/annual-review-2023/>

⁵⁸ ECRI Recommendations 2022, <https://rm.coe.int/ecri-sixth-report-on-bulgaria/1680a83581>

⁵⁹ <https://balkaninsight.com/2023/09/05/historic-ruling-requires-bulgaria-to-recognise-same-sex-relationships/> and https://www.euractiv.com/section/politics/news/bulgaria-urged-to-recognise-same-sex-couples/?utm_source=EURACTIV&utm_campaign=0396d18478-EMAIL_CAMPAIGN_2023_08_31_08_05_COPY_01&utm_medium=email&utm_term=0_4f1adee836-%5BLIST_EMAIL_ID%5D

⁶⁰ <https://verfassungsblog.de/barring-legal-gender-reassignment-in-bulgaria/>, <https://balkaninsight.com/2023/02/21/bulgarian-supreme-court-rules-against-transgender-peoples-rights/>, <https://www.euractiv.com/section/politics/news/bulgaria-bans-gender-reassignment-surgery/>

film at Sofia Pride Film Fest.⁶¹ While the recent Sofia Prides were safe and successful, they were preceded and followed by homophobic campaigns.⁶²

In July 2023, media reported about the adoption of **amendments to the Penal Code**, including provisions against **hate crimes**, with harsher penalties for murder, assault, abduction and denial of employment rights if the motive is the victim's sexual orientation. **Hate speech** through the media or on the internet is now also criminalised when it is based on skin colour, national origin and sexual orientation (further to race and ethnicity, as already foreseen by the law). Custodial sentences are also foreseen in cases of assault, destruction of property and attacks by organised mobs on the basis of homophobia or racism, as well as for discriminations in employment.⁶³ **LGBTIQ+ NGOs welcomed** the reform, for which they had been lobbying for years.⁶⁴

Signatures to hold a **referendum against "Gender Ideology"** were collected, with the active support of the Bulgarian Socialist Party, proposing the question "*Do you support the introduction of a ban on education, schooling and propaganda related to gender reassignment and concepts of gender other than male and female among children and students in the educational system of Bulgaria?*". Following verification of the signatures, the proposal will go to parliament for a vote on whether to organize a referendum or not.⁶⁵

4.2.5. Asylum and Migration

The **FRA** 2023 annual report recalls that there have been cases of ill-treatment and summary returns in Bulgaria: "the national border-monitoring body registered 5,268 alleged **pushback** incidents for 2022, which affected 87,647 individuals. Following allegations of shooting and of migrants being held in a cage-like facility, the **Council of Europe Commissioner for Human Rights** expressed concern and asked the Bulgarian authorities for clarification about reports of unlawful detention, ill-treatment and bodily injuries." The Commissioner also expressed concern on the "anti-migrant rhetoric used by politicians, including those in governmental positions in Bulgaria".⁶⁶ Bulgarian authorities denied the allegations.⁶⁷

FRA also recalls that "Following a visit to Bulgaria, the **UN Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** criticised the detention of migrants, including children with their families, for identification or deportation purposes, including in poor conditions. The subcommittee also referred to the practice of 'attaching' unaccompanied migrant children to unrelated adults in order to facilitate detention. It reminded the state party that the detention of migrant children is prohibited under any circumstances."⁶⁸

⁶¹ <https://sofiaglobe.com/2023/06/11/bulgaria-far-right-demonstrators-block-screening-at-sofia-pride-film-fest/>

⁶² <https://sofiaglobe.com/2023/06/17/bulgaria-rain-does-not-deter-many-thousands-turning-out-for-2023-sofia-pride/> and <https://sofiaglobe.com/2023/08/11/sofia-pride-investigation-at-request-of-people-close-to-bulgarian-socialist-party-is-harassment/>

⁶³ <https://sofiaglobe.com/2023/07/29/bulgaria-steps-up-legislation-against-hate-crimes/>

⁶⁴ <https://glasfoundation.bg/en/victory-for-the-lgbt-people-in-bulgaria/>

⁶⁵ <https://www.novinite.com/articles/220959/The+Bulgarian+Socialist+Party+collected+over+200%2C000+Signature+for+it+s+Referendum+against+%E2%80%9CGender+Ideology%E2%80%9D>

⁶⁶ See the letter of 13 December 2022 of the CoE Commissioner to the BG government <https://rm.coe.int/letter-to-the-acting-pm-and-acting-deputy-pm-of-bulgaria-by-dunja-mija/1680a9754e>.

⁶⁷ Reply of 20 December 2022 by the Bulgarian Ministry of the Interior to the letter by the Commissioner for Human Rights, <https://rm.coe.int/reply-from-the-moi-of-bulgaria-to-the-commissioner-s-letter/1680a9754d>.

⁶⁸ UN Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2022), Visit to Bulgaria undertaken from 24 to 30 October 2021: Recommendations and observations addressed to the state party, 28 October 2022.

The **Special Representative of the Secretary General of the CoE on Migration and Refugees** has carried out a fact-finding mission to Bulgaria from 11 to 15 September 2023.

ANNEX 1: GRECO REPORT'S RECOMMENDATIONS

The GRECO 5th evaluation round report published in January 2023 <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680a9cab7> and entitled "Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies" raises a series of concerns and makes a number of recommendations addressed to Bulgaria:

"VI. RECOMMENDATIONS AND FOLLOW-UP

206. In view of the findings of the present report, GRECO addresses the following recommendations to Bulgaria:

Regarding central governments (top executive functions)

- i. introducing rules on incompatibilities and vetting based on integrity criteria in respect of employment of persons hired at the discretion of central government to give advice to persons entrusted with top executive functions or to perform similar functions (paragraph 31);
- ii. to regulate that continuously updated information on the names, functions and remuneration - and ancillary activities as appropriate - of the members of the political cabinets involved in top executive functions, are disclosed in a way that provides for easy, appropriate public access on-line (paragraph 33);
- iii. that a methodology for risk analysis covering persons entrusted with top executive functions' specific integrity risks is adopted as a matter of priority, such analysis be carried out on a regular basis and remedial measures be included in the anti-corruption guidance documents of the Council of Ministers and ministries (paragraph 39);
- iv. that (i) a comprehensive code of conduct for persons entrusted with top executive functions be adopted, published and complemented with clear guidance regarding conflicts of interest and other integrity related matters (contacts with third parties, gifts and other benefits, ancillary activities, contracts with state authorities, post-employment restrictions etc.) and (ii) this code be accompanied with a credible and efficient supervisory mechanism, envisaging specific sanctions for violations and tools for their enforcement (paragraph 44);
- v. (i) that the relations and coordination between the National Anti-Corruption Council and the Anti-Corruption Commission (or its successors) as well as their respective tasks be clarified; (ii) that the selection and appointment process of all the members of the Anti-Corruption Commission be based on merit, transparency and subject to safeguards that prevent undue political influence (paragraph 53);
- vi. that (i) dedicated awareness-raising/training of persons with top executive functions on integrity related matters, including the future Code of Conduct, be provided, when taking up their positions and at regular intervals thereafter; (ii) effective confidential counselling on integrity related issues be established for PTEFs, and (iii) an effective mechanism be developed to ensure consistency of advice among those responsible for giving advice on ethical matters (paragraph 57);
- vii. that an independent assessment of the practical implementation of the legislation regarding access to information and practices of the executive bodies be carried out in order to (i) improve the legislation, including its mechanisms and oversight; and (ii) bring the use of exceptions or derogations to granting the requests for public information to the strict minimum necessary for safeguarding legitimate interests of the State or third parties (paragraph 63);
- viii. that (i) statutory time-limits for public consultations be systematically observed and that measures be put in place to prevent the circumventing of the ordinary consultation period; (ii) a legislative footprint, tracking major external interventions from the beginning of the legislative process be documented and disclosed; (iii) only limited and duly justified derogations from the rule on public consultations be allowed (paragraph 71);
- ix. that (i) rules be introduced on how persons entrusted with top executive functions engage in contacts with lobbyists and other third parties who seek to influence the government's legislative and other

activities; and (ii) sufficient information about the purpose of these contacts be systematically disclosed, as well as the identity of the person(s) with whom (or on whose behalf) the meeting(s) took place and the specific subject matter(s) of the discussion (paragraph 74);

- x. ensuring sufficient functional independence of internal inspectorates to allow these units to effectively fulfil their role in the prevention and detection of integrity breaches and other irregularities within respective executive bodies, including when such irregularities may involve persons entrusted with top executive functions (paragraph 79);
- xi. that rules be drawn up on gifts and other benefits for persons entrusted with top executive functions, requiring them to declare gifts and other benefits accepted, and that this information be made available to the public (paragraph 95);
- xii. ensuring that (i) income, asset and interest declarations submitted by persons entrusted with top executive functions be subject to an in-depth, proactive and substantive control mechanism, connected to an enforcement regime; (ii) sufficient human and financial resources be provided to bodies responsible for this task; and (iii) comprehensive statistics on results of this control be established and made accessible to the public (paragraph 112);
- xiii. that an effective mechanism be introduced to ensure that (i) pro-active investigations and effective prosecutions of criminal offences of corruption involving persons entrusted with top executive functions systematically take place; (ii) procedural impediments hampering or preventing criminal investigations and proceedings of such cases are eliminated; and (iii) effective and proportionate criminal sanctions are imposed for such offences (paragraph 119);

Regarding law enforcement agencies

- xiv. that (i) sufficient operational independence of the Police vis-à-vis the Ministry of the Interior be provided for in law and ensured in practice; and that (ii) individual instructions to the Police be properly documented in writing, as a main rule (paragraph 124);
- xv. that (i) a broad analysis be carried out of the legal framework and practice of non-budgetary (including private) sponsorship and donations to the Ministry of the Interior/Police and its various structural entities and that, in light of its findings, clear rules be established to abandon private donations and/or, as a minimum, to eliminate the risks of conflicts of interests and corruption in this respect; (ii) information regarding donations and sponsorship received by the Police, indicating the nature and value of each donation, as well as the identity of the donor be systematically published (paragraph 127);
- xvi. that dedicated measures be taken to strengthen the representation of women at all levels in the Police, including in senior positions (paragraph 129);
- xvii. that a dedicated anti-corruption strategy (or an equivalent document) be established for the Police as a complement to the National Strategy for Prevention and Counteraction to Corruption, accompanied by an action plan for its implementation (paragraph 135);
- xviii. that a comprehensive risk assessment of corruption prone areas and activities be undertaken in the Ministry of the Interior to identify problems and emerging trends, and that the results of the assessment serve as a basis for the design of a dedicated anti-corruption strategy of the Police (paragraph 142);
- xix. that the code of ethics applicable to the Police covers in detail all relevant integrity issues for the Police (such as conflicts of interest, gifts, contacts with third parties, outside activities, handling of confidential information etc.) and that it be complemented by tailor-made practical guidance and an enforcement mechanism (paragraph 146);
- xx. enhancing the induction training and providing for regular in-service training of police officers (including the Secretary General, directors and all senior officials) on integrity matters, ethics and anti-corruption (paragraph 151);
- xxi. establishing a system of dedicated persons of trust available to provide confidential counselling on ethical and integrity matters to police officers (paragraph 153);

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- xxii. that (i) objectivity and transparency of promotion procedures in the Ministry of the Interior be enhanced to ensure they are based on merit pertinent for the police profession, and that (ii) open competitions be effectively used for all recruitments to, and promotions within the Police (paragraph 160);
 - xxiii. that the security check system in the Police be strengthened, including by ensuring that integrity checks take place before recruitment and at regular intervals during the careers of police members, depending on their exposure to corruption risks and the required security levels (paragraph 162);
 - xxiv. improving the employment conditions in the police by reviewing the scale of remuneration, so as to establish more attractive wages for the lower ranks, whilst maintaining a stimulating margin for progression throughout the career (paragraph 170);
 - xxv. that a study be conducted concerning the activities of police officers after they leave the service and that, if necessary, in the light of the findings of this study, rules be established to ensure transparency and limit the risks of conflicts of interest (paragraph 180);
 - xxvi. establishing a robust set of rules and guidelines on gifts and other advantages for the Police, including obligations to report and, as appropriate, register gifts, services, gains or other benefits (paragraph 181);
 - xxvii. establishing a clear requirement for Police officers to report all integrity-related misconduct they may come across in the service (paragraph 195);
 - xxviii. adopting and implementing whistle-blower protection measures in the law and integrating modules on whistle-blower protection into training programmes on integrity, conflicts of interest and corruption prevention (paragraph 198).

207. Pursuant to Rule 30.2 of the Rules of Procedure, GRECO invites the authorities of Bulgaria to submit a report on the measures taken to implement the above-mentioned recommendations by 30 June 2024. The measures will be assessed by GRECO through its specific compliance procedure.

208. GRECO invites the authorities of Bulgaria to authorise, at their earliest convenience, the publication of this report, and to make a translation of it into the national language available to the public.”

ANNEX 2: ECRI RECOMMENDATIONS

The ECRI Report on Bulgaria (sixth monitoring cycle) of 2022 raises a series of concerns and makes a number of recommendations addressed to Bulgaria (in bold the 2 recommendations for which ECRI asked for priority implementation):⁶⁹

"LIST OF RECOMMENDATIONS

The position of the recommendations in the text of the report is shown in parentheses.

1. (§4) ECRI recommends that the Bulgarian authorities amend the Anti- Discrimination Act (2005) with a view to granting functional immunity to members of the Commission for the Protection of Discrimination in line with § 24 of ECRI's General Policy Recommendation No. 2 (revised) on Equality Bodies to combat racism and intolerance at national level.
2. (§9) ECRI recommends that the Bulgarian authorities set up a system to monitor and counter racist and anti-LGBTI incidents in schools.
3. (§17) ECRI reiterates its recommendation that the authorities develop legislation on gender reassignment (change of a person's sex) and its recognition ensuring that it is in line with international human rights standards and expertise.
4. **(§19) ECRI recommends as a matter of priority that the Bulgarian authorities set up an LGBTI working group, which should include relevant organisations from the LGBTI community, to carry out research into existing forms of discrimination against LGBTI persons with a view to developing a national strategy and action plan to combat intolerance and discrimination against LGBTI persons.**
5. (§42) ECRI recommends that the authorities build on the positive actions they have taken to prevent and combat antisemitism in order to take similar measures with regard to other vulnerable groups that are exposed to hate speech.
6. (§47) ECRI strongly recommends that the authorities take all necessary measures to prevent threats and violence against Roma by groups of local residents and ensure that the authors of any such threats and perpetrators of any such violence are held accountable.
7. (§52) ECRI reiterates its recommendation that the authorities include sexual orientation and gender identity in all the articles of the Criminal Code addressing hate speech and hate crime (Articles 162, 163, 131 and 116).
8. (§59) ECRI recommends that the authorities establish within the police dedicated hate-crime units to work closely with the communities most affected by hate-motivated violence.
9. (§66) ECRI recommends that the authorities ensure that no de facto segregation of Roma children takes place in kindergartens or schools.
10. (§69) ECRI recommends that the authorities expand the Bulgarian language classes in preschools, both in terms of reaching more Roma children as well as increasing the number of hours where necessary.
11. (§78) ECRI recommends that the authorities protect Roma housing from demolitions that are not in line with the relevant safeguards (such as sufficient notice period, the possibility of legal remedies, and the provision of alternative accommodation) provided for by relevant international texts.
12. **(§82) ECRI recommends as a matter of priority that the authorities increase the number and scale up the successful work of Roma mediators in the areas of health, education and employment.**

⁶⁹ <https://rm.coe.int/ecri-sixth-report-on-bulgaria/1680a83581>

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13. (§85) ECRI recommends that the authorities scale up and improve their measures for Roma integration by, inter alia, collecting comprehensive and gender(sex)-disaggregated Roma-specific data in the areas of education, employment, housing and health. The data collection should respect the principles of informed consent, self-identification, confidentiality and exclusive use for the promotion of Roma equality. The authorities should also provide increased support, including financial resources, and capacity building on Roma integration to municipalities, including with the aim of harmonising standards across the country. When implementing this recommendation, the authorities should draw inspiration from ECRI's General Policy Recommendation No. 13 on combating antigypsyism and discrimination against Roma.
 14. (§94) ECRI recommends that the authorities scale up and expand their integration measures for refugees and beneficiaries of subsidiary protection (especially Bulgarian-language training for adults as well as skills-building and employment support) in order to reach more beneficiaries, either through the re-establishment of national integration programmes or the adequate funding and comprehensive roll-out of local-level activities.
 15. (§99) ECRI recommends that the Bulgarian authorities take the heightened vulnerabilities, as a result of the Covid-19 pandemic, of many Roma in the areas of education and employment into consideration in the future implementation of the National Strategy for Equality, Inclusion and Participation of the Roma (2021-2030), but also when designing socio-economic recovery programmes for persons affected by the pandemic. Furthermore, the authorities should make the best possible use of Roma health mediators in terms of overcoming any existing misunderstandings or mistrust resulting from measures taken during the pandemic."

ANNEX 3: VENICE COMMISSION OPINION

Venice Commission opinion on draft amendments to the Constitution in Bulgaria⁷⁰

Strasbourg, 9 October 2023

CDL-AD(2023)039

OPINION ON THE DRAFT AMENDMENTS TO THE CONSTITUTION

Adopted by the Venice Commission at its 136th Plenary Session (Venice, 6-7 October 2023)

On the basis of comments by

Ms Marta CARTABIA (Member, Italy)

Ms James HAMILTON (Former Member, Ireland, Expert)

Mr Qerim QERIMI (Member, Kosovo)

Mr Kaarlo TUORI (Honorary President of the Venice Commission)

(...)

III. Conclusions

114. The Venice Commission has been asked by the Minister of Justice of Bulgaria, Mr Atanas Slavov, to evaluate the draft amendments to the Constitution of Bulgaria proposed by 166 MPs and currently pending before the National Assembly of Bulgaria.

115. This Opinion does not comment extensively on all proposed changes but focuses on the most important ones. The main recommendations are the following:

116. The process of constitutional reform is still on-going, so, while regretting that the launching of the constitutional reform was not preceded by an appropriate public debate, the Venice Commission recommends the Bulgarian authorities to explain in detail the reasons behind each proposal so that the public is aware of the impact of new legislation. It is essential to ensure meaningful participation of all the institutions concerned, all political forces, public, experts in this process.

117. The amendments allowing persons with dual citizenship to stand as candidates for the National Assembly and the Council of Ministers are welcome as they address previous Venice Commission's recommendations.

118. While acknowledging that the proposed amendment should not be interpreted as an open mandate to establish new independent bodies, the Venice Commission recommends that the independent regulatory and controlling bodies should have a constitutional basis, which should cover the guarantees for their independence, such as the procedure of appointment (by qualified majority in parliament, with appropriate anti-deadlock mechanisms) and security of tenure of their members, the duration of their mandate. In the light of the diversity of these institutions, it would seem more appropriate, instead of having only one general provision, to introduce specific provisions for each institution.

119. If the institution of a Caretaker Prime Minister is retained, it is advisable to restrict the discretion of the President to choose between several persons, in order to prevent undue political considerations, for example by defining an order of choice and by defining in advance which independent person would be appointed. The Commission however expresses doubts about the suitability of the President of the National Assembly, or about the President of the Constitutional Court as Caretaker Prime Ministers. It also has doubts as concerns the election of a Caretaker Prime Minister by the National Assembly which has been unable to agree on a prime minister in the first place. The Commission recommends reviewing the draft amendments based on these considerations.

⁷⁰ Available at [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2023\)039-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2023)039-e); see also CDL-REF(2023)033-e Bulgaria - Draft law on amendments and supplements to the Constitution of the Republic of Bulgaria and Explanation of motives, [https://www.venice.coe.int/webforms/documents/?pdf=CDL-REF\(2023\)033-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-REF(2023)033-e)

120. The most important amendments are made to Chapter VI, concerning the Bulgarian judiciary and the prosecution service. The draft amendments make several steps in the right direction.

121. Most importantly, the plenary of the SJC is abolished, and two independent councils are created, one for judges and one for prosecutors and investigators. The abolition of the plenary SJC would imply that a number of previous recommendations of the Venice Commission have been implemented. Thus, under the new system the Minister of Justice no longer chairs the Plenary SJC and the Plenary SJC no longer nominates candidates for the position of the two chief justices and the Prosecutor General. The abolition of the plenary SJC would also address the concern that the prosecutors, and the Prosecutor General in particular, are excessively involved in the governance of judges. So, dividing the SJC into two separate councils is in line with previous Venice Commission recommendations and should be welcomed.

122. Despite the disappearance of the Plenum as an institution, it is recommended to look into possible modalities for adequate contacts between the two councils aimed at exchanging information and best practices in order to prevent the isolation of the respective professions while at the same time ensuring judicial independence.

123. The composition of the SJC is in line with the recommendations of the Venice Commission. The majority of the members would be judges (ten out of fifteen), and eight judicial members would be elected from various levels of courts. The Presidents of the Supreme Court of Cassation and Supreme Administrative Court would be members ex officio. The non-judicial members would be elected by the National Assembly with a two-thirds majority, no dead-lock mechanism is provided for. It is recommended to foresee such an anti-deadlock mechanism (for which examples can be taken from the several possibilities presented previously by the Venice Commission).

124. One of the crucial components of the reform process is the legitimate attempt of a thorough transformation of the State Prosecution Service, for the purpose of improving its efficiency and accountability, as well as the functional autonomy of individual prosecutors. The removal of the functions and powers of the prosecution service outside of the criminal law sphere responds to Venice Commission recommendations. Yet, it is not in accordance with the principle of prosecutorial independence that the Prosecutor General should be an administrator rather than a prosecutor and that he be deprived of all his/her competences, and the related draft provisions should therefore be reconsidered.

125. In order to limit the concentration of powers in the institution of the Chief prosecutor and to reinforce the independence of the prosecutors, the draft amendments give a clear prevalence to members elected by Parliament, securing very little representation to the prosecutors in the Prosecutorial Council (only three members out of ten even if one includes the Prosecutor General). Although the reform aims at reversing the trend and reducing the powers and influence of the Prosecutor General, it should at the same time avoid the risk of a political influence on the prosecutorial offices and provide the Council with the expertise required to perform its tasks.

126. It is thus recommended that the composition of the Prosecutorial Council be reviewed to allow for a balanced representation of prosecutors, thus equipping the council with the professional expertise needed to carry out its functions while at the same time excluding the control of this institution by the political majority of the day and by the prosecutor service.

127. The draft Constitutional amendments at stake create a constitutional basis for specific rules on investigation of a Prosecutor General, allowing for the creation of a specific mechanism of independent prosecution, as part of the implementation of general measures required by the Committee of Ministers following the ECtHR judgments in the case of Kolevi and others v. Bulgaria.

128. This constitutional provision would need to be complemented by legislative arrangements on appointment, accountability, and review of the decisions of the special prosecutor which are different from the arrangements for the ordinary prosecutors, as advised in the framework of the execution of the Kolevi case before the Committee of Ministers. The Commission considers that the Constitution could identify the appointing body.

129. The introduction of the right of individual complaint before the Constitutional Court and of the referral of the cases by ordinary courts to the Constitutional Court is welcome, as it strengthens individual rights.

130. Other recommendations include:

- Providing anti-deadlock mechanisms for situations where the National Assembly cannot reach the 2/3 of votes for electing the members: of the SJC, of the Prosecutorial Council, of the Inspectorate as well as of the Constitutional Court to be reviewing the powers of the Minister of Justice, notably regarding his/her presence in the Councils, the power to nominate a candidate for the position of Prosecutor General and the power to propose removal from office of judges.
- Probationary periods for judges should be removed or conditions for not confirming the tenure should be narrowly defined in the law.
- The two councils should be able to nominate candidates for the respective inspectorates to the NA, and only the two councils should be able to remove them. The law should delimit clearly the powers of the inspectors, which should not encroach on the constitutional role of the two councils regarding the career and the discipline of judges and prosecutors.
- As to the functions of the SJC and Prosecutorial Council, it is recommended that they are not overburdened with pure administrative tasks.

131. Finally, it will be important to ensure co-ordination and consistency between the present constitutional amendments and other ongoing relevant legislative processes.

132. Given the fact that the draft may still undergo further changes following debates in the National Assembly, the Venice Commission is ready to revert to the matters discussed in this Opinion at a later stage, once the text of the draft has undergone further changes and the reform process has progressed.

This study, written by the Policy Department for Citizens' Rights and Constitutional Affairs, at the request of the European Parliament's Committee on Civil Liberties, Justice and Home Affairs - Democracy, Rule of Law and Fundamental Rights Monitoring Group, examines the situation of Democracy, the Rule of Law and Fundamental Rights in Bulgaria and how Article 2 TEU values are respected and implemented in the country.
