



**Democracy, Rule of Law and Fundamental Rights
Monitoring Group
(DRFMG)**

**Follow-up questions
to the
Exchange of views
on situation of the rule of law in Bulgaria
in relation to Democracy, Rule of Law and Fundamental Rights
held on Friday, 8 January 2021, 09.00-11.00**

Questions to the Deputy Prime Minister and Minister of Justice

1. Please tell more in details on the government programme adopted after the presentation of the rule of law report of the European Commission. Have you consulted judicial organisations and NGOs on the proposal in advance? You mentioned in your presentation that there would be a public consultation. How is that going to be organised?
2. The prosecutor general have significant powers over the prosecutors (he may annul or amend any decision taken by any prosecutor which has not been reviewed by a judge, he may second prosecutors without their consent, for a period of 3 months within a calendar year, and issue written instructions to them, including in individual cases). Do you intend to make changes on its vast powers over the prosecutors?
3. Media pluralism: media pluralism is declining in Bulgaria. What is your intention to improve media pluralism and safety of journalists? Do you intend to submit amendments that increase the transparency of ownership structure?
4. There are serious concerns about media pluralism and freedom and media ownership in Bulgaria. Are there any media, which are being funded, directly or indirectly by National or European funds and could you provide us with the list of the media that receives EU funds?
5. In its resolution, the European Parliament called on the Bulgarian authorities to amend the Protection against Discrimination Act to explicitly include gender identity as grounds for discrimination, and to amend the current Criminal Code to encompass hate crimes and hate speech on grounds of sexual orientation, gender identity and expression, and sex characteristics. The Parliament also called on the Bulgarian authorities to implement the relevant case law of the Court of Justice of the European Court of Justice and the European Court of Human Rights and, in that context, to address the situation of same-sex spouses and parents with a view to ensuring their enjoyment of the right to non-discrimination in law and in fact, and to establish an appropriate legal framework that provides equal rights for all couples. Has the government taken any action on these topics? In addition, if so, what are the actions being carried out?

6. Several months ago, PM Borissov announced Constitutional amendments. During the hearing in August 2020, the BG authorities claimed that this is the only possible option. However, the Venice Commission gave quite a discouraging opinion on most of the proposed amendments including on the process itself - no public consultation, no broad debate. The government did not receive also the support of leading non-governmental organizations in Bulgaria as well as of the political parties in opposition. In December 2020, the proposed reform failed officially. How the Bulgarian authorities assess this situation?

7. On the question of the golden visas - from your replies we can conclude that Bulgaria has no intention to drop the possibility for providing Bulgarian citizenship for investments. The control mechanisms will be tightened but the possibility will remain. Having in mind the revelations made by the press about a similar scheme in Cyprus - have you considered termination of the golden visas?

8. During the recent months, there were many concerns about the rule of law in Bulgaria. The parliamentary elections are about to take place this spring and there are some concerns already voiced about their organization including when it comes to the machine voting. Are you ready to allow independent audit of the machines?

To the Prosecutor General and the Deputy Chief Prosecutor:

1. There is a criticism over the prosecutor general's significant powers over prosecutors. Namely, he may annul or amend any decision taken by any prosecutor, which has not been reviewed by a judge, he may second prosecutors without their consent, for a period of 3 months within a calendar year and he can issue written instructions to them, including in individual cases. How often in practice, he annuls the decision of prosecutors, second prosecutors against their own will? And how often instructs them in specific cases?

2. What is the current state of play of the so-called Barcelona gate investigation allegedly involving the PM Borissov in a money-laundering scheme in Spain? In your previous answers you pointed out that you sent a request to the Spanish authorities about their investigation. Apart from waiting for the outcome of the investigation in Spain, have you performed some concrete actions in Bulgaria having in mind that a similar signal was submitted in the Bulgarian prosecution far before the one received by the Spanish authorities?

3. Is there an investigation about the leaked videos, audio and photographs of PM Borissov with gold bars and 500€ banknotes taking into account the statements of the PM about an existing black market for compromising information in Bulgaria? In which stage is the investigation, if so?

4. In June 2020, a number of audio recordings were leaked allegedly with the voice of the PM Borissov. Upon a signal, the Prosecution opened an investigation and in December. The investigation concluded that there are not enough evidence for a crime to be committed. In your press release, it was stated that there was a technical expertise of the recordings that confirmed no modifications in the recordings. Therefore, we know that the recordings are authentic and that there is not enough data to conclude that there was a crime committed. However, can you clarify whether the technical expertise done by you confirmed that this was the voice of the PM Borissov? Given the high public interest in the case, this is quite an important detail from the investigation. Having in mind your previous statements that the Prosecution declassify and publish many materials concerning the pre-trial proceedings involving high-level officials, are you going to present the technical expertise and the actions performed by the Prosecution on that particular case? Have you identified the persons to whom the PM was talking to in these recordings? The mere fact that he was allegedly giving instructions or hints to harm political opponents and business entities, even without proof for being materialized so far, raises questions about possible

trade in influence or abuse of power (or at least an attempt for trade in influence/abuse of power)?
Do you perform investigative actions in this regard?

5. There were publications in the press that the Prosecution has created a dedicated database or register for cases of undue pressure on its work. Surprisingly the European Commission reports as well as some opinions made by high-level representatives of the judiciary were put in this database. Could you comment on this?

6. By whom is the Prosecutor General appointed and to whom is the Prosecutor General accountable?