



18.01.2024

MISSION REPORT

following the LIBE mission to Sofia, Bulgaria on 12 and 13 October 2023

Committee on Civil Liberties, Justice and Home Affairs

Members of the mission:

Sophia in 't Veld

Elena Yoncheva

Erik Marquardt

Clare Daly

(Renew) (Leader of the mission)

(S&D)

(Verts/ALE)

(The Left)

Introduction

The delegation of the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) to Bulgaria on 12-13 October was initiated upon recommendation of the Committee's Monitoring Group on Democracy, Rule of Law and Fundamental Rights (DRFMG).

In the present legislative term, the DRFMG group held already five meetings dedicated to Bulgaria. The previous delegation had taken place on 23 to 24 September 2021 and the latest DRFMG meeting devoted to the recent developments on 13 June 2023.

In preparation of the visit, the Policy Department for Citizens' Rights and Constitutional Affairs, at the request of the DRFMG, prepared a study to examine 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.¹

The objective of the visit was to continue discussions held in the LIBE-DRFMG meetings with regards to Rule of Law and fundamental rights, including media freedom, and with the fight against corruption. The delegation held meetings with representatives from the country Executives, from the judiciary and other relevant authorities, organisations and stakeholders.

The delegation was led by Sophie IN 'T VELD (Renew, NL) and of comprised Elena YONCHEVA (S&D, BG), Erik MARQUARDT (Greens/EFA, DE) and Clare DALY (The Left, IE).

Summary account of meetings

Thursday, 12 October 2023

14:00 - 15:00 Meeting with Mr Atanas Slavov, Minister of Justice

Venue: Office of the Minister of Justice

Minister Slavov described the peculiar situation of the present government approved by the Parliament for 18 month, composed by a coalition of two main political rivals, who will switch posts after nine months within its term. The main purpose of the coalition government is to complete the constitutional reforms started years ago.

The role of the Ministry of Justice is to focus on the judicial reform, as in the absence of that, the constitutional reform would not be legitimate. Minister Slavov emphasised that the judicial reforms are designed while keeping in mind the recommendations of the Venice Commission and having dialogue with the Commission. With the judicial reforms, the goal is to achieve an independent judiciary, an accountable and transparent prosecutor general with legitimacy to conduct his/her investigations, to observe EU standards when appointing judges. Avoiding cases at the European Court of Human Right (ECtHR) while implementing the current judgements, as well as ensuring higher level of protection of fundamental rights were highlighted as priority. In addition, the reforms should achieve that the Supreme Judicial

¹ [https://www.europarl.europa.eu/RegData/etudes/STUD/2023/755097/IPOL_STU\(2023\)755097_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2023/755097/IPOL_STU(2023)755097_EN.pdf)

Council (SJC) shall not be presided over by the Minister of Justice.

When answering questions, Minister Slavov acknowledged several weaknesses of the law-making process. He referred to the fact that members of the parliament can individually launch legislation, a practice that could raise transparency questions. To mitigate such risk, the Ministry was working on a new legislation to regulate lobbying. When answering to further questions, Minister Slavov drew attention to the final decision of the court that the Minister of Justice cannot appeal against the appointment of the acting prosecutor general; he noted that the person appointed was a colleague of the previous Prosecutor General. He expressed his hopes that the reforms of the legislation concerning the prosecution and the post of the prosecutor general will bring the necessary changes to avoid political interference. One member argued that the legal profession was opposing the reforms, to which Minister Slavov replied that the Ministry would try to ensure that such concerns be addressed during the consultation process.

15:15 - 16:30 Meeting with journalists

Venue: EP Liaison Office

- Mr Alexei Lazarov, Editor in chief, Capital
- Mr Ivan Radev, board member, Association of European Journalists-Bulgari
- Mr Svetoslav Terziev, international journalist, Sega Daily
- Mr Lubcho Neshkov, editor, www.bgnes.bg
- Ms Sylvia Velikova, Bulgarian National Radio, host and editor, reporter for the judiciary

The situation of the media in Bulgaria improved in the last few years. Bulgaria moved from 91st place in 2022 to 71st in 2023 on the media freedom index by the Reporters Without Borders². Although there was still some political pressure, this had significantly decreased, also thanks to the changes in the post of the Prosecutor General, and therefore the situation in Bulgaria would not be comparable to the one in Poland, according to the journalists.

Nevertheless, the high concentration of the media remained one of the main concerns. To describe the scale of these outlets, journalists explained that one of them includes 12 national television channels, more than 25 websites and several national radio networks. The specificity of media financing also further deepened the existing problems generated by the media concentration, as the two main outlets benefitted in a proportion of 100% of the state advertisements.

Journalists also warned about:

- changes in the high management of the state owned media outlets;
- severe difficulties getting access to information for independent outlets, the Acting

² <https://rsf.org/en/index>

Prosecutor General denying interview requests was mentioned as an example;

- lack of action from the prosecution on the high profile corruption cases,
- vulnerability of the Bulgarian society to disinformation and fake news;
- financial difficulties of local media outlets and lack of financial independence from public and private funding;
- lack of transparency in distribution of public money;
- lack of high professional standards when EU funding is distributed, they argued that EU money was used for anti-EU goals, and that there was clear influence from Russia and the Hungarian government ;
- SLAPP cases;
- the weaknesses of the registry by the Ministry of Culture.

Journalists called for EU funding, emphasised that the time came to have a new budget line to finance media and found confusing that ‘tomato producers can be financed by EU, but free media could not be.’

In their reaction, the members of the Delegation voiced their criticism with regards to the Commission procedures scrutinising the funds, and especially to the fact that the Commission based its monitoring on documents provided by the Member States’ governments.

17:00 - 17:45 Meeting with Mr Nikolai Denkov, Prime Minister of Bulgaria

Venue: Office of the Prime Minister

In his introductory remarks, the Prime Minister presented the reforms, the accession procedure to the Schengen zone and to the Eurozone as main priorities of the present coalition government. He was optimistic about the recently adopted anti-corruption law, especially as the Commission followed the preparation process. The proposed changes to the Constitution serve to reduce political influence and to strengthen the democratic institutions in Bulgaria. He also mentioned the challenges in the Energy sector following the war in Ukraine.

The Delegation was interested to know how the coalition between the two parties worked and what the expectations were after the switch. The Prime Minister assessed the cooperation as good and resulting in stability in the country. He expressed his hopes that the path, that the present leadership put Bulgaria on, would be followed on by the coalition partner.

On the mining industry, the situation is complex, given that corruption, fraud and the fact that political forces are using the problem in their own interest further prevent constructive solutions to be found.

The Prime Minister assured the Delegation that media freedom was a high priority for the government and they will continue to work towards it, aiming at a transparent media

ownership. The Delegation welcomed that commitment and emphasised that oligarchs should not be able to hide when owning media outlets.

To criticism related to impunity and the lack of investigations of high profile cases, the Prime Minister pointed out that the changes in the legal framework would not solve the problem, the appointment of the judiciary has to be carefully conducted without giving room for political influence.

When joining to Schengen area, Bulgaria would provide an excellent border control and could assist other Member States in their work in this area, according to the Prime Minister. The Delegation expressed full support to Bulgaria on joining Schengen.

18:15 - 19:00 Meeting with civil society organisations

Venue: EP Liaison Office

- Mr Andrey Yankulov, Senior legal expert, Anti-Corruption Fund
- Mr Zahari Iankov, member of the Board, Amnesty International Bulgaria

Representatives expressed concern in relation to

- the shrinking numbers of NGOs, problem also linked to the difficulties in financing them;
- the hostile attitude towards the NGOs in the Bulgarian National Assembly, the attempts to use the anti-money laundering act against NGOs was mentioned as an example;
- the democracy package, which was supposed to be a copy paste of the US legislation, seems to rather create limitations for NGOs;
- the freedom of assembly, one major incident happened in May, when the police failed to protect the screening of an LGBTIQ movie in Sofia and in Varna;
- the lack of concept behind the amendments on the prosecutor general makes certain aspects unclear; the lack of consultation with the NGOs or with the legal profession on the amendments; the long awaited mechanism for independent prosecution came into force, but the implementation is blocked by the Supreme Judicial Council; the fact that the current acting prosecutor general was part of the team of the previous prosecutor general; the lack of action by the appointed judge who should investigate the former prosecutor general's activities;
- two SLAPP cases, one initiated by an insurance company against a small media outlet making a disproportionate claim and another one against an NGO working with migrants which was accused with trafficking of human beings;
- amongst the legislative changes, the lobbying legislation was blocked by the previous public prosecutor;
- a list of foreign agents was issued by the National Assembly, which is clearly a political tool;

The amendments of the Constitution, the new anti-corruption law and the new anti-corruption

committee were also mentioned.

19:15 - 20:00 Meeting with Mr Krastyu Krastev, Minister of Culture

Venue: EP Liaison Office

Mr Krastev was replaced by Mr Chavdar Georgiev, deputy Minister of Culture at the meeting.

In the introductory remarks, the deputy Minister of Culture assured the Delegation that media pluralism is a priority and involves the Ministry at several levels: EU legislation is applied, and there is follow up to the Commission recommendations. Tackling issues such as concentration of media, unclear media ownership, unequal distribution of state advertisements would require one single policy solution.

In order to have quick results in addressing the Commission recommendations, the Ministry created a working group, gathering representatives of all interested parties. The mandate was established in a concept note and the outcome will be shared with the Commission and discussed in the Bulgarian Council for Electronic Media (CEM).

Bulgaria has two registers for media: one is for media ownership of radio and television managed by the CEM, the other one for the beneficial ownership declarations of media outlets and of funding received from public funds, political parties, etc under the Ministry of Culture. The aim of the Ministry is to publish all funding. Under the legislation in force media outlets that do not declare their funding are fined. These fines are high, and it is virtually impossible for the outlets to survive. There are discussions for the moment: whether to eliminate the administrative sanctions and change it to e.g. being disqualified from public funding. The Bulgarian Company Register, a public register containing ownership information on all the registered companies in the country, also includes the different media outlets, but the information in the three different registers are not linked.

When answering questions by the delegation, the representatives of the Ministry of Culture confirmed that there were no Spyware cases in Bulgaria. There are intentions to create a platform for online media aiming at unveiling the real owners, but without an obligation to register.

Friday, 13 October 2023

08:45 - 09:30 Meeting with Mr Kalin Stoyanov, Minister of Interior

Venue: Office of the Minister of Interior

Ms Ivelina Dundakova, deputy Minister of Interior replaced Mr Stoyanov.

The deputy Minister of Interior praised the new anti-corruption law, the closure of the Cooperation and Verification Mechanism (CVM) for Bulgaria and ensured the Delegation that Bulgaria makes vast efforts to improve the situation of the Rule of Law and fundamental rights, and the fight against corruption.

To tackle trafficking, which is a priority especially in the context of Schengen, Bulgaria together with Greece, Croatia and Romania created a working group with the help of Europol.

On security of external borders, the Deputy Minister of Interior pointed out that Bulgaria is never the final destination for asylum seekers, they stopped around 160 000 people at the borders. It shows how much benefit they could bring after a possible Schengen accession. The Ministry of Interior is committed to carry out border protection with respect of fundamental rights of the migrants; they launched consultation with NGOs and regularly provide human rights trainings for their officials. In reception centres, the asylum seekers have access to legal aid, have the possibility to practice their religion and dedicated social services assist unaccompanied children.

Replying to Members' questions, the Deputy Minister of Interior praised the cooperation with Frontex and confirmed that police officers will assist the EPPO, following the Annual Rule of Law Report recommendation.

An action plan on anti-Semitism was recently adopted and police officers receive trainings specialized on LGBTI community which proves the commitment of Bulgaria towards human rights.

09:45 - 10:30 Meeting with Mr Borislav Sarafov, Acting Prosecutor General

Venue: Office of the Acting Prosecutor General

The Acting Prosecutor General (APG) distanced himself from the former Prosecutor General, Mr Ivan Geshev. Personally, he and the people working for the Prosecutor's office in Bulgaria are committed to address the damages done by the former Prosecutor General until his dismissal. Disciplinary proceedings against prosecutors were launched based on inactivity or harassment. The APG issued recommendations to launch disciplinary proceedings against magistrates, which were opened in seven cases.

During the discussion, the delegation asked about high-level corruption cases, including 'Barcelonagate' with the alleged involvement of former Prime Minister Boyko Borissov, and the lack of actions from the side of the prosecutions. In his answer, the APG stated that the prosecutor general cannot interfere with individual investigations, still expressed hope that the recently launched disciplinary proceedings will entail the wished changes.

On the reforms of the prosecution, the appointment procedure of the prosecutor general and its role, they clearly aimed to end political influence. Still, the biggest concern of the APG is about the political control, which the amendments, if adopted as proposed, do not eliminate. This includes the proposal of the coalition government for changes in the Constitution, which could, in his view, enable politically affiliated figures to become members of the Supreme Judicial Council, allegedly among which the Minister of Justice. The APG underlined the recommendations by the Venice Commission in this regard to add a rule to be that would exclude active politicians (members of the National Assembly) from the "legal experts" that can be elected to the SJC, and emphasised that the legal profession in Bulgaria shared his view. He warned that the history and culture of the country should be taken into account when

analysing the amendments and reading the opinion of the Venice Commission.

The AGP confirmed that the prosecution and the Ministry have a collegial relationship, when questioned on the attempt of the Minister of Justice to remove him from his post.

11:00 - 11:45 Meeting with Mr Burkard Mühl, Head of the Economic and Financial Crime at Europol

Venue: EP Liaison Office

Mr Mühl stated that Bulgaria is an important and reliable partner to Europol, it is also shown by the good cooperation on fighting drug trafficking and on other crime areas and the increase in communication between the Bulgarian authorities and Europol.

On anti-corruption, Mr Mühl expressed concerns that corruption cases are still underreported in Member States. Europol has offered to be the connection point between anti-corruption authorities, but cannot interfere in national investigations. In Bulgaria, a specific project on corruption related to sport events was further expanded to other types of criminal activities.

The delegation wanted to hear about ‘Barcelonagate’, a case, which, according to the speaker, did not entail Europol’s involvement in the investigation.

13:15 - 14:15 Meeting with Mr Rumen Radev, President of the Republic of Bulgaria and Iliyana Yotova Vice President of the Republic of Bulgaria

Venue: Office of the President

President Radev and Vice President Yotova announced that the previous caretaker government had elaborated nearly all the draft laws necessary. President Radev assured the delegation that Bulgaria remains committed to strengthen fundamental rights and the Rule of Law and welcomed the European Parliament’s approach toward these topics. He mentioned the war in Ukraine and the energy crisis as circumstances that undeniably caused further complications in the already complex situation in Bulgaria. Other topics, such as media freedom and media ownership, the difficulties of the coalition government such as lack of support from the society, the lack of investigations on high profile cases, the opinion by the Venice Commission on the reforms were mentioned by the President.

15:00 - 15:30 Press conference

There was no press release issued at the end of the mission.

Conclusions

The majority of the delegation welcomed the highly ambitious reform agenda that the current

government is pursuing. The cooperation of various political forces in an effort to address challenges related to the rule of law and fundamental rights is positive. The planned reforms should be implemented without further delay and establish a proven record of accomplishment in tackling high-level corruption and guaranteeing the independence of the judicial system.

Some of the judicial reforms yield first results, such as the possibility to challenge decisions by prosecutors not to prosecute. However, the implementation of other reforms lacked progress (as for example, the expired mandate and lack of legitimacy of the Supreme Judicial Council).

The delegation underlines that a lot will depend now on the details of the reforms and their implementation in practice. They expect that the legal acts in their final shape will incorporate all the recommendations made by the Venice Commission fully and unabridged, in particular with regard to the right balance between independence and accountability of the general prosecutor, while eliminating any risk of political interference.

It is important that these ambitions are not limited to fixing the deficiencies of the current system, but also to building a robust and coherent new system. To that end, the delegation called for a constructive and inclusive process, which allows all stakeholders to engage in a constructive manner.

Reforms for the future do not eliminate the need to address violations in the past. In the months since the current coalition government and the Acting Prosecutor General stepped in, several high-level corruption cases were closed without charges. The delegation called for measure to ensure that there shall not be impunity. Therefore all ongoing cases of corruption have to be fully investigated and prosecuted, including, but not limited to those at the highest level.

On media freedom and pluralism, the majority of the delegation acknowledged that Bulgaria improved recently its position on the media freedom index from 91st place in 2022 to 71st in 2023, and it took note of the determination of the government to address the main issues. Nevertheless, Bulgaria still ranks in the bottom on media freedom and pluralism when compared to other EU Member States. Full transparency of media ownership is urgent and overdue, specifically with regard to registration obligations, scattered and inadequately enforced. The delegation further expressed concerns about pressure on journalists and ongoing SLAPP cases, as well as the transparency in the allocation of state advertising. In that sense, the European Commission should continue scrutinising European funding of media outlets against the backdrop of its agenda against disinformation.

The delegation welcomed the announcement of the European Commission about the end of the CVM. As this was linked to the debate on Schengen accession, the delegation firmly criticised the decision of two member States (Austria and Netherlands) to veto Bulgaria's accession despite the fact that it has been fulfilling the relevant criteria already since 2011.

Thursday, 12 October 2023

13.30	<i>Bus pick up from hotel and transfer</i>
14.00 - 15.00	Meeting with with Mr Atanas Slavov, Minister of Justice <i>Venue: Slavyanska St 1, Sofia Center, Sofia</i>
15.00 - 15.15	<i>Transport to next venue</i>
15.15 - 16.30	Meeting with journalists <ul style="list-style-type: none"> • Mr Alexei Lazarov, Editor in chief, Capital • Mr Ivan Radev, board member, Association of European Journalists-Bulgari • Mr Svetoslav Terziev, international journalist, Sega Daily • Mr Lubcho Neshkov, editor, www.bgnes.bg • Ms Sylvia Velikova, Bulgarian National Radio, host and editor, reporter for the judiciary <i>Venue : EP Liaison Office</i>
<i>16.30 -16.45</i>	<i>Break/transport to next venue</i>
17.00 - 17.45	Meeting with Mr Nikolai Denkov, Prime Minister of Bulgaria <i>Venue : 1 Knyaz Al. Dondukov Blvd, Sofia</i>
18.15 - 19.00	Meeting with civil society organisations <ul style="list-style-type: none"> • Mr Andrey Yankulov, Senior legal expert, Anti-Corruption Fund • Mr Zahari Iankov, member of the Board, Amnesty International Bulgaria <i>Venue : EP Liaison Office, 124 G. S. Rakovski Str. BG-1000 Sofia</i>
19.00 - 19.15	<i>Transport to next venue</i>
19.15- 20.00	Meeting with Mr Krastyu Krastev, Minister of Culture <i>Venue : "Aleksandar Stamboliyski" Blvd 17, Sofia</i>
<i>20.15</i>	<i>Departure to the hotel</i>

Friday, 13 October 2023

8:25	<i>Bus pick up from hotel and transfer</i>
8.45 - 9.30	Meeting with Mr Kalin Stoyanov, Minister of Interior <i>Venue: 29 Shesti Septemvri Str., Sofia</i>
9.45 - 10.30	Meeting with Mr Borislav Sarafov, Acting Public Prosecutor <i>Venue : Court palace, bul. Vitosha 2, Sofia</i>
10:30 - 11:00	<i>Travel/break</i>
11.00 - 11.45	Meeting with Mr Burkard Mühl, Head of the Economic and Financial Crime at Europol <i>Venue : EP Liaison Office</i>
11.45 - 13:00	<i>Lunchbreak/travel</i>
13.15 - 14.15	Meeting with Mr Rumen Radev, President of the Republic of Bulgaria and Deputy President Iliyana Yotova <i>Venue: 2 Dondukov Str., Sofia</i>
14.15 - 15.00	<i>Travel/break</i>
15:00 - 15:30	Press conference (Chair) <i>Venue : EP Liaison Office</i>
15:45	<i>Bus pick up to airport - travel back to Brussels</i>