



TEXTS ADOPTED

Provisional edition

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The rule of law and fundamental rights in Bulgaria

European Parliament resolution of 8 October 2020 on the rule of law and fundamental rights in Bulgaria (2020/2793(RSP))

The European Parliament,

- having regard to Articles 2, 3, 4, 6, 7, 9 and 10 of the Treaty on European Union (TEU) and Article 20 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to the European Convention on Human Rights (ECHR) and the case law of the European Court of Human Rights,
- having regard to the Commission Decision of 13 December 2006 establishing a mechanism for cooperation and verification of progress in Bulgaria (CVM) to address specific benchmarks in the areas of judicial reform and the fight against corruption and organised crime¹, to the corresponding annual reports for the period 2007-2019 and to the Commission report of 22 October 2019 on progress in Bulgaria under the CVM (COM(2019)0498),
- having regard to the European Semester Country Specific Recommendations on Bulgaria published on 20 May 2020 (COM(2020)0502),
- having regard to the judgment of the European Court of Human Rights of 5 November 2009 in the case of *Kolevi v. Bulgaria*²,
- having regard to the Commission's 2019 Annual Management and Performance Report for the EU Budget,
- having regard to the judgment of the European Court of Human Rights of 1 July 2014 in the case of *Dimitrov and others v. Bulgaria*³,

¹ OJ L 354, 14.12.2006, p. 58.

² Judgment of the European Court of Human Rights of 5 November 2009, *Kolevi v. Bulgaria* (application No 1108/02).

³ Judgment of the European Court of Human Rights of 1 July 2014, *Dimitrov and others v. Bulgaria* (application No 77938/11).

- having regard to the European Anti-Fraud Office (OLAF) report for 2019,
- having regard to the opinion of the Venice Commission of 9 December 2019 on draft amendments to Bulgaria’s Criminal Procedure Code and the Judicial System Act, concerning criminal investigations against top magistrates,
- having regard to the European Court of Auditors Special Report No 06/2019 entitled ‘Tackling fraud in EU cohesion spending: managing authorities need to strengthen detection, response and coordination’,
- having regard to the opinion of the Venice Commission of 9 October 2017 on Bulgaria’s Judicial System Act,
- having regard to the joint opinion of the Venice Commission and the OSCE Office for Democratic Institutions and Human Rights (ODIHR) of 19 June 2017 on amendments to Bulgaria’s Electoral Code,
- having regard to the opinion of the Venice Commission of 23 October 2015 on the draft act to amend and supplement the Constitution (in the field of the judiciary) of the Republic of Bulgaria,
- having regard to the decision of the Council of Europe’s Committee of Ministers of 3 September 2020 regarding the execution of the judgments of the European Court of Human Rights in the *S.Z. v. Bulgaria* and *Kolevi v. Bulgaria* cases,
- having regard to the annual report for 2020 by the partner organisations to the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists,
- having regard to Council of Europe Parliamentary Assembly Resolution 2296 (2019) of 27 June 2019 on the post-monitoring dialogue with Bulgaria,
- having regard to the Council of Europe Action against Economic Crime and Corruption,
- having regard to the second compliance report on Bulgaria of 6 December 2019 by the Council of Europe’s Group of States against Corruption (GRECO),
- having regard to the statement of the Council of Europe’s Commissioner for Human Rights of 3 September 2020 regarding police violence against journalists in Bulgaria and to her report following her visit to Bulgaria from 25 to 29 November 2019,
- having regard to the statement of the OSCE Representative on Freedom of the Media of 18 March 2020 on the brutal attack on the Bulgarian journalist Slavi Angelov,
- having regard to the statement of the President of the Conference of INGOs of the Council of Europe of 9 July 2020 on the proposed amendments to Bulgaria’s Non-Profit Legal Entities Act,
- having regard to the joint statement of the UN Special Rapporteurs on racism and on minority issues of 13 May 2020,
- having regard to the statement of the UN Special Rapporteur on violence against women, its causes and consequences of 21 October 2019,

- having regard to the recent concluding observations of the UN Treaty Bodies on Bulgaria,
 - having regard to the proposal for a new constitution of the Republic of Bulgaria submitted on 17 August 2020,
 - having regard to its resolution of 3 May 2018 on media pluralism and media freedom in the European Union¹,
 - having regard to its debate on the rule of law and fundamental rights in Bulgaria of 5 October 2020,
 - having regard to the discussion held in the Committee of Civil Liberties, Justice and Home Affairs on 10 September 2020 on the state of play of the CVM,
 - having regard to the exchanges of views carried out by the Democracy, Rule of Law and Fundamental Rights Monitoring Group since it was set up by the Committee on Civil Liberties, Justice and Home Affairs on 5 September 2019, in particular the exchange of views held on 28 August 2020 on the situation in Bulgaria,
 - having regard to the Commission communication of 30 September 2020 entitled ‘2020 Rule of Law Report: The rule of law situation in the European Union’ (COM(2020)0580) and the accompanying document entitled ‘Country Chapter on the rule of law situation in Bulgaria’ (SWD(2020)0301),
 - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas the European Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities, and whereas these values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail (Article 2 of the TEU);
 - B. whereas the rule of law, respect for democracy, human rights and fundamental freedoms and the values and principles enshrined in the EU Treaties and international human rights instruments are obligations incumbent on the Union and its Member States and must be complied with;
 - C. whereas Article 6(3) of the TEU affirms that fundamental rights, as guaranteed by the ECHR and as arising from the constitutional traditions common to the Member States, constitute general principles of Union law;
 - D. whereas the Charter of Fundamental Rights of the European Union and the principles enshrined therein are part of Union primary law;
 - E. whereas freedom of expression and media freedom and pluralism are enshrined in Article 11 of the Charter of Fundamental Rights and Article 10 of the ECHR;
 - F. whereas the independence of the judiciary is an essential requirement of the democratic principle of separation of powers and is enshrined in Article 19(1) of the TEU, Article

¹ OJ C 41, 6.2.2020, p. 64.

47 of the Charter of Fundamental Rights and Article 6 of the ECHR;

- G. whereas the Union operates on the basis of the presumption of mutual trust that Member States act in conformity with democracy, the rule of law and fundamental rights, as enshrined in the ECHR and the Charter of Fundamental Rights;
- H. whereas the rule of law is one of the common values on which the Union is founded and a pre-condition for the effective functioning of the entire Union, and whereas the Commission, together with Parliament and the Council, is responsible under the Treaties for guaranteeing respect for the rule of law as a fundamental value of the Union and making sure that Union law, values and principles are respected;
- I. whereas the systematic refusal of one Member State to comply with the fundamental values of the European Union and the Treaties to which it has freely acceded affects and threatens the Union as a whole; whereas a lack of reaction to this kind of situation would undermine the credibility of the Union;
- J. whereas the Venice Commission and the OSCE ODIHR have found that the Bulgarian electoral code hinders linguistic diversity and the voting rights of citizens living abroad¹;
- K. whereas a number of incidents have been reported in recent years concerning the use of hate speech against minorities, including by government ministers; whereas parliamentary immunity is systematically used to shield members of the Bulgarian National Assembly from accountability for hate speech²;
- L. whereas in recent years, reports of the misuse of Union funds in Bulgaria have been proliferating and should be thoroughly investigated; whereas in recent months, Bulgarian citizens have witnessed a large number of high-level corruption allegations, some of which have directly involved the Prime Minister; whereas also in recent months, international media have repeatedly reported possible interconnections between criminal groups and public authorities in Bulgaria;
- M. whereas the Prosecutor's Office has pressed charges against the former Minister for the Environment and Water and the former Deputy Minister for the Environment and Water, and the former Deputy Minister for the Economy, who were all immediately dismissed by the government;
- N. whereas these revelations have led to large demonstrations and civil society protests which have run uninterrupted for more than three months, and have seen Bulgarians call for justice, respect for the rule of law, and an independent judiciary, and protest against the erosion of democracy and endemic corruption; whereas the protesters' demands included the resignation of the government and the Prosecutor General, as well as immediate parliamentary elections; whereas these protests have allegedly been met with disproportionate violence from the law enforcement authorities;
- O. whereas the right to protest is a fundamental right that cannot be subject to prohibition

¹ Venice Commission and OSCE ODIHR joint opinion on amendments to the Electoral Code in Bulgaria, 19 June 2017, CDL-AD(2017)016.

² Commissioner for Human Rights of the Council of Europe, report following her visit to Bulgaria from 25 to 29 November 2019, 31 March 2020, p. 33 and p. 38.

or control measures in a general and absolute way, and can only be restricted by legitimate, proportionate and necessary police measures, in exceptional circumstances; whereas no demonstration should be considered unprotected by this right; whereas priority must be given by law enforcement authorities to voluntary dispersal without the use of force; whereas freedom of assembly goes hand in hand with freedom of expression, stating that everyone has the right to freedom of expression, which includes the freedom to hold opinions and to receive and impart information and ideas without interference by public authorities and regardless of frontiers;

- P. whereas the Minister of Interior, the Minister of Finance, the Minister of Economy and the Minister of Tourism resigned on 15 July 2020 and the Minister of Justice resigned on 26 August 2020;
- Q. whereas the Prime Minister has announced that he will resign at the moment the National Assembly decides to hold elections to the Grand National Assembly¹;
- R. whereas serious concerns over the fight against corruption in Bulgaria persist; whereas this threatens to undermine citizens' trust in public institutions;
- S. whereas according to a special Eurobarometer survey on EU citizens' attitudes towards corruption published in June 2020, 80 % of the Bulgarians interviewed considered corruption to be widespread in their country and 51 % considered that corruption had increased in the previous three years;
- T. whereas according to the 2020 World Justice Project Rule of Law Index, Bulgaria is placed 53rd out of 128 countries and, in the Union context, ranks last but one; whereas according to the Transparency International Corruption Perceptions Index 2019, published at the beginning of this year, Bulgaria is at the bottom of the list from the Union region countries, and ranks 74th worldwide;
- U. whereas a vibrant civil society and pluralistic media play a vital role in promoting an open and pluralistic society and public participation in the democratic process, and in strengthening the accountability of governments; whereas media freedom in Bulgaria has been deteriorating, as evidenced by the country's ranking in the reports published by Reporters Without Borders; whereas in the 2020 World Press Freedom Index, published in late April 2020, Bulgaria ranks 111th in the world, and last among EU Member States for the third year running; whereas the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists contains three Level 1 alerts warning of severe and damaging violations against media freedom, on which a reply from the Bulgarian authorities is still pending; expresses its concern over the influence of third countries in the media landscape as part of a larger strategy to spread anti-EU propaganda and disinformation;
- V. whereas Bulgaria still has many institutional deficiencies, especially as far as the independence of the judiciary is concerned, flaws which have been acknowledged by the Commission over the years in its reports under the Cooperation and Verification Mechanism (CVM); whereas, however, in the last CVM report published on 22 October 2019, the Commission found that the progress Bulgaria had demonstrated under the

¹ <https://government.bg/bg/prestsentar/novini/obrashtenie-na-ministar-predsedatelya-boyko-borisov>

CVM was sufficient to live up to the commitments it made upon its accession to the Union, and therefore recommended that the supervision mechanism be lifted; whereas once it has taken the observations of Parliament and the Council into account, the Commission still has to take a final decision as regards the lifting of the CVM; whereas a letter from President Sassoli expressed support for the lifting of the CVM, but stressed the need to implement and enforce the commitments and reforms, and highlighted the situation of the independence of the judiciary, corruption and media freedom;

- W. whereas the new comprehensive mechanism for democracy, the rule of law and fundamental rights, as advocated by Parliament, with its annual monitoring cycle which would apply equally to all Member States, should cover all the values enshrined in Article 2 of the TEU and should ultimately replace the CVMs for Romania and Bulgaria;
- X. whereas the recently published 2020 Rule of Law Report acknowledges that challenges remain for Bulgaria regarding the independence of the prosecution system with regard to the executive and points to the failure to complete an effective accountability regime for the Prosecutor General; whereas the report also mentions concerns about the effectiveness of the investigation, prosecution and adjudication of corruption cases in Bulgaria; whereas in the area of media freedom, the report highlights several concerns, from the effectiveness of the national media authorities in Bulgaria to the lack of transparency of media ownership, as well as threats and attacks against journalists;
1. Deeply regrets the fact that the developments in Bulgaria have led to a significant deterioration in respect for the principles of rule of law, democracy and fundamental rights, including the independence of the judiciary, separation of powers, the fight against corruption and freedom of the media; expresses its solidarity with the people of Bulgaria in their legitimate demands and aspirations for justice, transparency, accountability and democracy;
 2. Stresses that it is fundamentally important to guarantee that the values listed in Article 2 of the TEU are upheld in full, and that fundamental rights as laid down in the Charter of Fundamental Rights are guaranteed; calls on the Bulgarian authorities to ensure full and unconditional respect for those values and rights;
 3. Takes note of the proposal to convene the Grand National Assembly in order to adopt a new constitution; stresses that any constitutional reform should be subject to thorough and inclusive debate and based on proper consultations with all stakeholders, notably civil society, and adopted with the broadest possible consensus; takes note of the letter sent by the President of the National Assembly to the President of the Venice Commission on 18 September 2020 submitting an official request for the provision of expert support and the issuance of an opinion by the Venice Commission on the draft new constitution of the Republic of Bulgaria; calls on the Bulgarian authorities to proactively seek evaluation by the Venice Commission and other relevant international organisation bodies on the measures at stake before their final approval;
 4. Takes note of the adoption at second reading of amendments to the Bulgarian Electoral Code; notes with concern that the Bulgarian Parliament is currently in the process of adopting a new electoral law, while ordinary parliamentary elections have to take place in no later than seven months' time; calls on the Bulgarian authorities to ensure full compliance of the electoral legislation with all the recommendations of the Venice

Commission and the OSCE ODIHR, in particular as regards stability of the fundamental elements of electoral law, which should not be open to amendment less than one year before an election;

5. Is deeply convinced that the Bulgarian Parliament should play a pivotal role in ensuring accountability of the executive and is one of the necessary checks and balances to uphold the rule of law; is concerned by the governing majority's practice of hastily passing legislation, often without proper debate or stakeholder consultation; takes notes of the very low level of public trust in the Bulgarian Parliament¹; regrets the recent restrictions imposed on journalists on the premises of the National Assembly, which limit their access to parliamentarians and thus the possibilities for media scrutiny over the work of the legislature;
6. Is deeply concerned by the fact that some systemic issues in the judiciary system identified by the European Court of Human Rights and the Venice Commission remain unresolved, in particular as regards the provisions relating to the Supreme Judicial Council and the Prosecutor General, notably the absence of any effective mechanisms for accountability or functioning checks and balances on their work; insists that the Bulgarian authorities fully comply with the case law of the European Court of Human Rights and the recommendations of the Venice Commission and GRECO pertaining to the judiciary, in particular as regards the Supreme Judicial Council and the status of the Prosecutor General, in order to ensure the independence of the judiciary; notes that the Commission report of 22 October 2019 on progress in Bulgaria under the CVM mentions that a broad debate has taken place in the media, with some stakeholders voicing concerns regarding the nomination procedure and main candidate for the Prosecutor General, and that street protests were organised by civil society organisations;
7. Is concerned about the continuous lack of high-level corruption investigations yielding any tangible results; notes that corruption, inefficiency, and a lack of accountability continue to be pervasive problems in the judiciary and that public trust in the judicial system remains low because of the perception that magistrates are susceptible to political pressure and render unequal justice; notes the increased number of investigations into high-level corruption, including cases with cross-border aspects, opened against high-ranking officials and persons of high public interest; notes with concern the discrepancies between the decisions of lower and upper instance courts, which also contribute to the lack of final and effective convictions; points out the necessity of conducting serious, independent and active investigations and achieving results in the areas of anti-corruption, organised crime and money laundering, and of thoroughly looking into the allegations of high-level corruption following the audio recordings that emerged in the summer of 2020 and in relation to the Apartment-gate and Guesthouse-gate scandals, the tanker affair, the Rosenets seaside estate case and the scandal surrounding the alleged illegal transfer of money from the Bulgarian Development Bank, all of which – taken together – suggest deep and systemic weaknesses in rule of law and anti-corruption measures in Bulgaria; expresses concern, moreover, at less high-profile examples of rule of law shortcomings in Bulgaria, such as the treatment of apartment owners at Sunset Resort, Pomorie; welcomes the establishment of a new unified anti-corruption agency in Bulgaria; calls on the Bulgarian authorities to ensure that the agency is able to manage the broad remit of its

¹ <https://www.gallup-international.bg/43810/public-opinion-political-situation/>

responsibilities effectively, including the prevention, investigation and forfeiture of illegal assets;

8. Expresses deep concern at the serious deterioration of media freedom in Bulgaria over the past decade; calls on the Bulgarian authorities to foster a favourable environment for freedom of expression, in particular by increasing transparency of media ownership and preventing the excessive concentration of ownership of media and of distribution networks, including through the proper application of the existing legislative framework, as well as by repealing criminal provisions against defamation offences; underlines the need to make the composition and mandate of the Council for Electronic Media more independent and effective; is concerned about the reports of the continued practice of influencing the media through the preferential allocation of Union funds to government-friendly media;
9. Notes that the protection of journalists is in the vital interest of society; calls on the Bulgarian authorities to ensure the protection of journalists at all times and thus safeguard their independence; strongly condemns the instances where government-critical journalists have become the target of smear campaigns and calls on the Bulgarian authorities to curtail these undemocratic practices; deplors incidents of violence against reporters and the destruction of their technical equipment; urges the Bulgarian authorities to launch a comprehensive investigation into all cases of violence against journalists covering the protests; calls on the Bulgarian authorities to ensure that police officers and other officials respect press freedom and allow journalists and media professionals to cover demonstrations safely; stresses that violence at the hands of state agents is contrary to the duty of the Member States to uphold press freedom and to protect the safety of journalists¹;
10. Calls on the Bulgarian authorities to fully and comprehensively address all alerts submitted on the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists, and to fully adhere to the recommendations of the Council of Europe Commissioner for Human Rights, in order to ensure a safe environment for journalists in Bulgaria;
11. Expresses its unequivocal support for the people of Bulgaria in their legitimate demands and aspirations for justice, transparency, accountability and democracy; firmly believes that peaceful demonstrations are a fundamental right in every democratic country and supports the right of people to protest peacefully; condemns any form of violence against peaceful demonstrations; underlines that freedom of expression and freedom of information must be respected at all times; highlights that the use of violence and disproportionate force is unacceptable; expresses particular dismay at the allegations of the use of force against women and children, including children with disabilities; is concerned by the unlawful and excessive audits conducted into private businesses that have publicly expressed their support for the protests; condemns the violent and disproportionate intervention by the police during the protests in July, August and September 2020; calls on the Bulgarian authorities to ensure a full, transparent, impartial and effective investigation into the actions of the police;
12. Condemns the inhumane conditions in Bulgarian prisons found by the European Court

¹ Commissioner for Human Rights of the Council of Europe, statement entitled 'Bulgaria must investigate police violence against journalists', Strasbourg, 3 September 2020.

of Human Rights, including the existence of overcrowding, poor sanitary and material conditions, limited possibilities for out-of-cell activities, inadequate medical care and the prolonged application of restrictive penitentiary regimes¹;

13. Expresses deep concern at the fact that following over 45 judgments against Bulgaria by the European Court of Human Rights, the Bulgarian authorities have failed to comply with their obligation to carry out effective investigations; considers that these recurrent shortcomings have revealed the existence of a systemic problem²; highlights that according to the Council of Europe's 2019 annual report on the supervision of the execution of judgments and decisions of the European Court of Human Rights, there are 79 leading judgments against Bulgaria that are pending implementation;
14. Is concerned that in spite of the several EU directives on procedural rights for suspects and accused persons, as set out in the 2009 roadmap, procedural rights are not being sufficiently upheld in Bulgaria; believes that this has a profound impact on fundamental rights³;
15. Condemns all instances of hate speech, discrimination and hostility against people of Romani origin, women, LGBTI people and persons belonging to other minority groups, which remains an issue of acute concern; calls on the authorities to respond vigorously to incidents of hate speech, including by high-level politicians, to enhance legal protection against discrimination and hate crimes, and to investigate and prosecute such crimes effectively; welcomes the judicial ban of the annual neo-Nazi 'Lukov March' and the opening of an investigation into the organisation behind it – the 'BNU'; calls on the Bulgarian Government to enhance cooperation with international and local human rights monitors and to take all the necessary measures to safeguard the rights of minorities effectively, in particular the rights to freedom of expression and freedom of association, including through implementation of the relevant judgments of the European Court of Human Rights⁴; calls on Bulgarian authorities and officials to firmly condemn all acts of violence and hate speech against minorities;
16. Deplores the climate of hostility against people of Romani origin in some populated communities, particularly against those who had to leave their homes following rallies

¹ See the judgments of 27 January 2015, *Neshkov and others v. Bulgaria* (application Nos 36925/10, 21487/12, 72893/12, 73196/12, 77718/12 and 9717/13); 12 May 2017, *Simeonovi v. Bulgaria* (application No 21980/04); 21 January 2016, *Boris Kostadinov v. Bulgaria* (application No 61701/11); 29 June 2017, *Dimcho Dimov v. Bulgaria* (No 2) (application No 77248/12); 17 November 2015, *Dimitrov and Ridov v. Bulgaria* (application No 34846/08) and 5 October 2017, *Kormev v. Bulgaria* (application No 39014/12).

² See European Court of Human Rights judgment of 3 March 2015, *S.Z. v. Bulgaria* (application No 29263/12).

³ See the latest periodic visit reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

⁴ Judgments of 19 January 2006, *The United Macedonian Organisation Ilinden and others v. Bulgaria* (application No 59491/00); 18 October 2011, *The United Macedonian Organisation Ilinden and others v. Bulgaria* (No 2) (application No 34960/04); 11 January 2018, *The United Macedonian Organisation Ilinden and others v. Bulgaria* (No 3) (application No 29496/16) and 11 January 2018, *Yordan Ivanov and others v. Bulgaria* (application No 70502/13).

targeting their communities in several localities; deplores the mobbing and violent evictions of Roma people in the Voyvodinovo area; calls on the authorities to urgently address the situation of the persons affected; believes that resolute measures to improve the general housing situation of people of Romani origin should continue; believes that it is necessary to fully eradicate the educational segregation of children of Romani origin; calls on the authorities to put a stop to hate speech and racial discrimination against people from the Romani minority in the response to COVID-19, and to halt police operations targeting Romani neighbourhoods during the pandemic;

17. Takes note of the ruling of the Constitutional Court of 27 July 2018 regarding the incompliance of the Istanbul Convention with the Constitution of Bulgaria; regrets the fact that this decision prevents Bulgaria from ratifying the Convention; is deeply concerned by the persistent negative and misrepresentative public discourse regarding the Convention, which has been shaped by a widespread disinformation and smear campaign following negative coverage on the topic by several media outlets with alleged links to government and opposition parties, made all the more worrisome by the participation of politicians and political parties represented in the Bulgarian Parliament; is concerned that the persistent negative attitude towards the Convention further contributes to the stigmatisation of vulnerable groups at risk of gender-based violence, whose situation has been particularly exacerbated by the COVID-19 and lockdown measures throughout Europe, including Bulgaria, and further emboldens and inculcates a feeling of impunity among the perpetrators of gender-based crimes; regrets the fact that recent changes to the Criminal Code which introduced stricter penalties for gender-based violence have proven insufficient to address the complexity of the issue and above all to prevent it; calls on the Bulgarian authorities, therefore, to enhance the prevention and fight against domestic violence, to do what is necessary to allow for the ratification of the Istanbul Convention, and to introduce as many elements from the Convention which are in line with its constitutional order while seeking a broader solution for the remaining elements, as well as increasing the number of shelters and other social services needed to provide support for the victims of domestic violence;
18. Considers it necessary to eliminate discrimination against persons on the basis of their sexual orientation or gender identity, both in law and in practice in all spheres; calls on the Bulgarian authorities to amend the Protection against Discrimination Act to explicitly include gender identity as grounds for discrimination; calls on the Bulgarian authorities 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; calls on the Bulgarian authorities to implement the relevant case law of the 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;
19. Is concerned that persons who may be in need of international protection have been prevented from entering Bulgarian territory or expelled, at times with force, without the opportunity to apply for asylum or an individualised assessment¹; is particularly concerned about the troubling deportation of members of the Turkish opposition, in violation of international treaties and despite valid court orders issued by competent

¹ UN Human Rights Committee, Concluding observations on the fourth periodic report of Bulgaria, 15 November 2018, paragraphs 29 and 30.

Bulgarian courts¹; calls on the Bulgarian authorities to ensure full compliance of asylum legislation and practice with the asylum *acquis* and the Charter of Fundamental Rights; calls on the Commission to deal with the infringement procedure against Bulgaria as a matter of priority;

20. Expresses deep concerns about the proposed amendments to the Non-Profit Legal Entities Act, which would create a very hostile environment for those civil society organisations with public benefit status that are in receipt of foreign funding, and risk conflicting with the principle of freedom of association and the right to privacy²; urges the Bulgarian authorities to consider thoroughly the established case law of the European Court of Justice in this regard;
21. Notes that certain progress has been made by Bulgaria under the CVM; calls on the Bulgarian Government to cooperate with the Commission, in accordance with the principle of sincere cooperation as set out in the TEU, in continued implementation of its commitments; calls on the Bulgarian authorities to refrain from conducting any unilateral reforms which would put respect for the rule of law at risk, in particular the independence of the judiciary and the separation of powers; notes that the Commission has indicated that it will not yet lift the CVM for Bulgaria; calls on the Commission to continue to monitor the reform of the judiciary and the fight against corruption in Bulgaria in the framework of the CVM, for as long as a fully functioning mechanism to monitor respect for democracy, the rule of law and fundamental rights, applicable equally to all Member States, is not yet in place; calls on the Commission, furthermore, to also make use of other tools available where appropriate, including infringement procedures, the Rule of Law Framework and budgetary tools, once available;
22. Welcomes the publication of the first EU Annual Rule of Law Report to cover all Member States; notes the concerns identified by the Commission in a number of areas regarding Bulgaria; calls on the Bulgarian authorities to act swiftly in order to address these concerns;
23. Highlights the need for the Bulgarian Government, in cooperation with the Commission, to ensure stricter control on the way Union funds are spent and to immediately address concerns that taxpayers' money is being used for the enrichment of circles associated with the ruling party;
24. Welcomes Bulgaria's accession to the European Public Prosecutor's Office (EPPO) and is confident that its participation in the EPPO will in itself constitute a stricter control on the correct use of EU funds in this regard;
25. Reiterates its position on the proposal for a regulation of the European Parliament and of the Council on the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States³, including the need to

¹ European Court of Human Rights, pending application, *Abdullah Büyük v. Bulgaria* (application No 23843/17); United States Department of State, Bureau of Democracy, Human Rights and Labor, Bulgaria 2016 Human Rights Report, p. 16.

² Council of Europe, statement by the President of the Conference of INGOs, 'The proposed amendments to the Non-Profit Legal Entities Act in Bulgaria give rise for concern', 9 July 2020.

³ Texts adopted, P8_TA(2019)0349.

safeguard the rights of beneficiaries, and calls on the Council to start interinstitutional negotiations as soon as possible;

26. Calls on the Bulgarian authorities to investigate the revelations contained in the FinCEN files, which showed that three Bulgarian banks were involved in processing payments identified as being at high risk of money laundering and linked to financing of organised crime and terrorism; takes the view that Bulgaria needs to take decisive action to improve the supervision of the banking sector and step up anti-money laundering measures, including through strengthening the institutions investigating these issues; underlines that the FinCEN files revealed the deficiencies of the global system and its vulnerability to abuse by criminals and the corrupt, and highlighted the urgent need to improve banking supervision worldwide and to adopt better mechanisms to deal with cross-border transactions; calls on the Commission and the Member States to accelerate work in this area, including through the establishment of a European supervisory authority, which Parliament has called for already;
27. Instructs its President to forward this resolution to the Commission, the Council, the governments and parliaments of the Member States, the Council of Europe, the Organization for Security and Co-operation in Europe and the United Nations.