NOTICE TO MEMBERS

Subject: Petition 0880/2011 by Petar Trojanski Penchev (Bulgarian), on behalf of the ‘Facebook group supporting the courageous police officer from the Bulgarian Interior Ministry’, on the Bulgarian police officer Konstantin Ivanov’s statements on corruption within the Bulgarian Ministry of Interior

1. Summary of petition

The petitioner refers to the case of the Bulgarian police officer Konstantin Ivanov, who was forced to resign after informing journalists about illegal donations to the Bulgarian Ministry of Interior. Amongst other things, in return for their donations, the donors concerned are alleged to have been made exempt from road traffic checks and vehicle inspections. The petitioner notes that the matter of donations to the Ministry of Interior has been criticised by Commission spokesperson Mark Gray, including in an interview with the Bulgarian newspaper Saga. The petitioner therefore asks the European Parliament to intervene in connection with this form of corruption, which poses a serious threat to innocent road users and pedestrians, and moreover to ensure that Konstantin Ivanov is compensated.

2. Admissibility

Declared admissible on 5 December 2011. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 17 February 2012

The petition of the Facebook Group Supporting the Courageous Police Officer reports a practice of the Bulgarian police to accept donations from private persons and companies. This came to light after a police officer reported that the police use a special list with the instruction that they should not perform spot-checks on the vehicles of donors to the Bulgarian Interior Ministry. The police officer, Konstantin Ivanov, was forced to resign.
Amongst other things, in return for their donations, the donors concerned are alleged to have been made exempt from road traffic checks and vehicle inspections.

The Commission services have carefully examined the petition and took good note of the facts and allegations reported therein. Such reports are useful sources of information and are given due attention by the Commission in the context of its regular reporting of progress in judicial reform, the fight against corruption and the fight against organised crime in Bulgaria under the Cooperation and Verification Mechanism (CVM).

In its supporting document to the CVM report of 20 July 2011, the Commission noted that concerns were reported in connection with the practice of police to accept donations. The Commission concluded that this practice could compromise the independence of police investigation. As a response, the Bulgarian Ministry of Interior took steps to revise the legal framework on donations and improve transparency by establishing a public online register of donations. The Commission continues to monitor the impact of these measures in the context of the CVM and will report on it. While being concerned about such allegations, it is nevertheless important to note that the Commission does not have the mandate to order criminal investigations against individuals. The Commission relies on the Bulgarian authorities to correctly apply the rule of law as enshrined in the Treaty on the European Union as well as in the European Convention on Human Rights and thus to effectively address such practices if proven. The Commission would also recommend that Bulgaria studies best practices in other EU Member States on the establishment of an independent oversight body for the police. The Commission underlines nevertheless that it is up to the competent Bulgarian authorities to decide whether or not a criminal investigation should be initiated.