BULGARIA

STRONGEST INSTITUTIONS
SUPREME AUDIT INSTITUTION
OMBUDSMAN
PUBLIC SECTOR EXECUTIVE

WEAKEST INSTITUTIONS
BUSINESS
ANTI-CORRUPTION AGENCY
ELECTORAL MANAGEMENT BODY

HEADLINE RECOMMENDATIONS

• Achieve visible results in the fight against corruption and increase efficiency through the adoption of more active measures by public institutions.

• Develop adequate policies and practices to increase the effectiveness of the legislative framework.

• Enhance the effective implementation of legislation in the practical work of institutions.

• Increase transparency with regard to nominations for key positions.

• Further develop mechanisms for accountability and transparency.
LEGISLATURE

• Strengthen expertise and resources by creating a special analytical unit with highly qualified personnel.

• Introduce lobbying regulations and transparency provisions regarding MPs’ contact with lobbyists.

• Introduce a Code of Ethics for MPs.

• Enhance transparency by publishing more information about committee meetings.

• Enhance transparency of the legislative process by asking MPs to provide substantiation when they submit proposed amendments to bills already under review in the legislature.

• Introduce external audits of parliamentary finances and publish the results.

• Discuss and pass a strategy in accordance with the executive strategy, legislative agenda and the schedule of planned measures in all prioritized policy areas, including anti-corruption.

EXECUTIVE

• Review conflict of interest regulations for the Cabinet of Ministers in order to control at least the high risk issues (e.g. deliberations and decision-making).

• Introduce whistleblower regulations, more specifically protection against harassment and monetary rewards for whistleblowers who disclose major losses to the state budget.

• Limit partisan appointments in the administration.

• Intensify government policy for the inclusion of citizen organization in the fight against corruption.

JUDICIARY

• Improve disciplining practices and the promotion system in the Supreme Judicial Council in order to enhance personal integrity and merit within the judicial system.

• Improve the process of candidate nomination for the judiciary and the Supreme Judicial Council for the benefit of transparency and predictability through clear rules.

• Improve decision making and the elaboration of decision-proposals in the Supreme Judicial Council and provide substantive reasons for specific decisions.

• Eliminate the problem of excessive caseload in certain courts and prosecutorial offices through an improved management of resources.

• To develop a methodology for comprehensive investigation and interaction with other institutions on complex financial, economic and corruption offences linked to organised crime.

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PUBLIC SECTOR

- Guarantee transparency of public finances through online publication and annual public expenditure analyses at the local level (organized by the National Association of Municipalities).
- Monitor the effectiveness of public service delivery by developing a national evaluation methodology.
- Decentralize governance resources and responsibilities.
- Improve recruitment mechanisms and hire high quality staff.
- Ratify the Council of Europe Convention on Access to Official Documents.
- Enhance transparency in public property management by introducing a normative framework.
- Improve access to public information by empowering an authority to enforce existing legislation; introduce sanctions for institutions retaining information; improve online access to information through standards for web pages; introduce mechanisms that guarantee citizens’ right to access information.
- Review of the status of officials responsible for detecting violations and for the sanctions following the Access to Public Information act, so that they are independent of the individuals who are themselves subject to the control and sanctions.
- Improve control and transparency in public procurement by intensifying preliminary control over procurement procedures; oblige institutions to publish contracts; enhance control procedures; strengthen the capacity of the Public Procurement Agency; limit negotiation procedures.

LAW ENFORCEMENT AGENCIES

- Increase the efficiency of investigating corruption-related crimes through better coordination of different agencies, especially police and prosecutors.
- Enhance transparency with regard to the use of surveillance techniques by the Ministry of Interior and ensure a greater degree of control over this process.
- Use public resources more efficiently in the Ministry of Interior; end the practice of receiving donations from state companies and other public institutions.

ELECTORAL MANAGEMENT BODY

- Improve the application of the new Electoral Code.
- Improve measures against vote buying.

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• Eliminate partisan bias in registration decision.
• Implement correction measures for electoral lists.
• Monitor the financing of electoral campaigns during the elections campaigns through the electoral management body.

**OMBUDSMAN**

• Introduce standardized internal procedures for addressing citizen’s complaints.
• Increase expertise for working on citizen’s complaints through hiring of new experts working on complaints by citizens.
• Introduce an employee performance evaluation system for Ombudsman staff.
• Elect the Ombudsman by qualified majority.
• Remove political nominations of candidates by parliamentary parties for the benefit of introducing competitive applications, and thus nomination based on merit.
• Introduce rules and criteria for the inclusion of CSOs representatives in the activities of the ombudsman while insuring confidentiality.
• Provide an online registry of complaints kept by the administration of the ombudsman.
• Publicize the results of the ombudsman’s work and debates in Parliament relating to it.
• Publish the Code of Conduct of the Ombudsman’s office online.
• Employ members of the Ombudsman administration on the basis of a public official contract so that their opportunity to work on the basis of other employment contracts will be limited. Develop an outreach program for the popularization of the ombudsman’s services and activities.
• Enhance cooperation between the Ombudsman and public authorities.

**SUPREME AUDIT INSTITUTION**

• Restrict political and other activities of the President and the two Vice-Presidents of the National Audit Office by adopting a law provision (apart from those embedded in the office’s code of conduct). The law should provide for the immunity of the President and Vice-Presidents from prosecutions resulting from the normal discharge of their duties.
• Clarify the procedures of decision-making on key issues; develop more independent mechanisms for appeal.
• Carry out a larger number of performance audits.
• Use sanctioning capacity more actively.

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ANTI-CORRUPTION AGENCY

• Bulgarian decision makers should abandon the practice of establishing new and newer institutions but should aim their efforts at improving the capacity of the existing ones.

• The Centre for Prevention and Counteraction of Corruption and Organised Crime (BORKOR) should further develop its institutional capacity and prove itself as an effective anti-corruption policymaking institution.

POLITICAL PARTIES

• Establish a transparent procedure for allocating budget subsidies for political parties by amending the Law on Political Parties; the Ministry of Finance should regularly (quarterly) release the information on subsidies transferred to every entitled party.

• Maintain a publicly available register of electoral parties through the Ministry of Justice or the Central Election Commission.

• Revise electoral code to prevent vote buying, controlled voting and administrative infringements.

• Introduce a public declaration or an Integrity pact against corrupt practices for political parties and candidates who enter an election.

MEDIA

• Discontinue the practice of pre-term termination of the Council for Electronic Media mandate by each new government.

• Introduce a separate civil-society quota amongst the Council's members; all other politically appointed members should be widely agreed upon.

• Guarantee its financial independence of the public media from the state through the establishment of a state-independent radio and television fund.

• Improve transparency with regard to media ownership.

• Introduce ethical standards for the journalist guild and ensure their application.

• Effectively prosecute crimes against journalists.

• Develop an evaluation and labeling system for media products to highlight reliable, well-researched and documented content.
CIVIL SOCIETY

• Establish a framework to distinguish between economic and non-economic activities of CSOs.

• Increase tax breaks for CSOs.

• Create state-guaranteed funds for CSOs, where the funding should be allocated on competitive basis, with clear rules, as well as control and evaluation mechanisms.

• Adopt a sectoral code of ethics and tie state subsidy and tax breaks to these rules.

BUSINESS

• Develop a private sector anti-corruption code through business organizations. The code should be prerequisite for companies who wish to bid for public contracts.

• Enhance whistleblower protection.

• Improve conflict of interest regulations.

• Enable companies to appoint a chief compliance officer with respective powers.

• Introduce a black list of companies found to engage in bribery and other unethical practices.

• Address a company’s ethics and integrity regulations in businesses trainings.

• Clearly define the role of supervisor boards in the corporate governance legislation.

• Strengthen company liability for engaging in unethical business behavior.

These recommendations are based on the findings of the 2011 National Integrity System Assessment of Bulgaria. ©2012 TI Bulgaria. All rights reserved.

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