

Annex 1

To Decision of the Council of Ministers No. 806 from 6 November 2020 on approving a Plan for the Implementation of Measures in response to the recommendations and challenges expressed in the European Commission's 2020 Rule of Law Report, The Rule of Law Situation in Bulgaria from 30 September 2020

I. Judicial system			
Challenges/Recommendations	Measures	Execution Time	Institution in Charge
To complete the reform concerning the figure of the Prosecutor General related to his accountability and criminal liability while respecting the position of the Venice Commission	1. Launching a procedure on requiring the Venice Commission's expert opinion on the proposed amendments to the Criminal Procedure Code and Judiciary System Act in compliance with the constitutional framework, or bringing the case before the Chairman of the National Assembly with the request for initiating a procedure on requiring the Venice Commission's expert opinion on the bill.	Within the term of 6 months – 30.11.2020	Ministry of Justice
Improving the work and enhancing the independence of the Inspectorate to the Supreme Judicial Council (ISJC). Addressing the Venice Commission's recommendations cited in the 2020 Rule of Law Report with respect to the ISJC. Strengthening the ISJC's institutional capacity. Increasing the efficiency of the checks conducted by the ISJC. <i>Also, within the implementation of the Project "Support for Strengthening the Capacity of the Inspectorate to the Supreme Judicial Council", funded by the Directorate-General for Structural Reforms Support at the European Commission.</i>	2. Establishing a joint working group for drafting a Bill to Amend and Supplement the Judiciary System Act. The ISJC's amendment proposals concern the integrity checks, disciplinary responsibility of magistrates, establishing a deontological prevention system, declarations for property and interests under Chapter 1a of the Judiciary System Act (JSA), as well as the status of the Inspectorate and judiciary system inspectors – members of Parliament should be able to propose candidate inspectors among the persons who have been nominated by the Plenums of the Supreme Court of Cassation (SCC) and Supreme Administrative Court (SAC), by expert organisations or by a professional quota following the example of the Supreme Judicial Council (SJC) member election, e.g. from the General Assemblies of judges, prosecutors and investigating magistrates, and also the ISJC budget.	Within the term of 6 months	Ministry of Justice and Inspectorate to the Supreme Judicial Council

<p>Independence. The settlement of supplementary remuneration to magistrates raises concerns.</p>	<p>3. Establishing a working group to propose to the SJC Plenum amendments and supplements to the Rules for determining and paying of bonus remuneration to magistrates, with which to establish clear, objective and transparent criteria for defining supplementary remuneration and to limit the discretionary powers of the judiciary system administrative managers.</p>	<p>30.11.2020</p>	<p>Supreme Judicial Council</p>
<p>Independence</p>	<p>4. Creating a public register for the cases of violations against judicial independence, which is to be published on the SJC's website. The register should contain data on the date of registered violation, its source of information, the object and subject of violation, the form of violating the judicial independence, any action taken – by whom, when, form of reaction. The register shall publish a hyperlink to the respective action.</p>	<p>April 2021</p>	<p>Supreme Judicial Council</p>
	<p>5. Surveying the public opinion on measuring the feeling of judicial independence among the internal and external target groups, as well as the degree of trust in the judicial system.</p>	<p>April 2021</p>	<p>Supreme Judicial Council</p>
	<p>6. Holding a conference on strengthening the judicial independence with the participation of representatives of the judicial, legislative and executive powers, professional and expert magistrate organisations, journalists and media associations, and non-governmental organisations.</p>	<p>April 2021</p>	<p>Supreme Judicial Council</p>
	<p>7. Researching and raising the awareness about the experience of the EU countries in relation to defending the judicial independence in cases of violations by the media, public figures, parties to court trials or other (negative media campaigns and political attacks against judges, prosecutors and investigating magistrates).</p>	<p>April 2021</p>	<p>Supreme Judicial Council</p>
	<p>8. Organizing a national consultation meeting including judiciary system administrative managers, magistrates and public relations judiciary officers in order to discuss measures to defend the judicial independence, including in cases of</p>	<p>April 2021</p>	<p>Supreme Judicial Council</p>

	negative media campaigns and political attacks against judges, prosecutors and investigating magistrates.		
	9. Drafting a SJC Training Programme for Journalists in the field of law and magistrate rules of ethics.	April 2021	Supreme Judicial Council
	10. Conducting awareness raising and educational campaigns for improving citizen's knowledge about the strengthening of the rule of law and judicial independence in cooperation with regional media.	October 2022	Supreme Judicial Council
	11. Initiating changes in the study curriculums of schools and universities with the purpose to ensure the opportunity to acquaint pupils and students with the judicial system powers and activity by means of organized visits and programmes of lectures including the active participation of judges, prosecutors and lawyers.	October 2022	Supreme Judicial Council
	12. To discuss the need of an independent consultative body with the participation of representatives of the media and judiciary, which to take care of general or <i>ad hoc</i> matters in the mass media coverage of the court proceedings, or in cases when journalists face difficulties in the course of fulfilling their task for informing society.	October 2022	Supreme Judicial Council
Independence. Further amendments to the JSA concern the obligation of magistrates to declare their membership in professional organisations. The former requirement for judges, prosecutors and investigating magistrates to declare their membership in professional associations to the Supreme Judicial Council had raised concerns over the freedom of association. Pursuant to the amendments, such declaration is no longer needed. Nevertheless, the register of magistrates participating in professional associations	13. In relation to amending and supplementing the Rules for Keeping a Central Public Register of the declarations under Art. 195a, para. 1 of the JSA, after 31.12.2020 the public access to the declarations for membership in professional associations already submitted by magistrates should be suspended.	14 January 2021	Supreme Judicial Council

<p>is still accessible on the SJC’s website and it is allegedly being used by public figures to exercise pressure upon judges.</p>			
<p>Responding to the recommendations in the 2020 Rule of Law Report and with respect to the access to justice, the procedure laws should stipulate basic legal provisions regulating the rules for exercising procedure rights in electronic form. Improving the quality and speed of court procedures.</p>	<p>14. Participation of Ministry of Justice (MJ) experts in drafting a bill to amend and supplement the Code of Civil Procedure (CCP) and Criminal Procedure Code (CPC) with the purpose to regulate the rules for exercising procedure rights in electronic form.</p>	<p>Within the term of 6 months</p>	<p>Ministry of Justice</p>
<p>Reducing the magistrates’ pressure by using alternative forms of dispute settlement. Increasing the number of out-of-court resolved disputes by mediation, which shall lead to decreasing the number of lodged court cases and will respectively alleviate the work of courts.</p>	<p>15. Cooperation in implementing the activities under the Project “Introducing methods for alternative dispute settlement in the judicial system in Bulgaria – pilot introduction of compulsory court mediation as part of an overall road map strategy for applying mediation; completing the building of court centres network in all district regions of the country; developing a strategy for the full-fledged application of other alternative methods for dispute settlement”.</p>	<p>Within the term of 2 years</p>	<p>Supreme Judicial Council and Ministry of Justice</p>
<p>Taking into account the different aspects of the work of the judicial system, including with respect to the different types of court processes – civil, penal and administrative. Raising the trust in the judiciary by public participation and transparency, in the framework of which it stands. Enhancing the transparency of the judiciary and of dialogue with citizens.</p>	<p>16. Conducting a survey on the satisfaction from the judiciary according to the established Methodology for Studying the Public Opinion which has been developed in implementation of the commitments taken in relation to the Updated Strategy for Continuing the Reform in the Judicial System.</p>	<p>Within the term of 2 years</p>	<p>Ministry of Justice</p>

Taking into consideration the recommendations in the 2020 Rule of Law Report in relation to decreasing the legal aid access threshold. Improving access to justice.	17. Conducting an analysis with respect to the opportunities to lower the legal aid access threshold, including exempting legal aid recipients from court fees, reducing legal fees for initiating a proceeding.	Within the term of 2 years	Ministry of Justice and National Legal Aid Bureau
Creating a standing mechanism for assessing the effect from procedure codes implementation. Making a motivated decision on amending the procedure laws.	18. Conducting an analysis on the basis of the established Methodology for Assessing the Effect from the CPC, PPC and Administrative Procedure Code (APC) Implementation, developed in the course of implementing the commitments taken in relation to the Updated Strategy for Continuing the Reform in the Judicial System.	Within the term of 2 years	Ministry of Justice
II. Legal Anti-Corruption Framework			
Challenges/Recommendations	Measures	Execution Time	Institution in Charge
Raising the investigation efficiency of corruption crimes and attaining more substantial results related to the final court sentences in the field, improving the professional qualification of prosecutors and investigating magistrates.	1. Consigning and conducting a complex analysis of the corruption crime cases (pre-trial and trial stage) over the period 01.01.2018–01.10.2020, including: analysis of statistical data and demonstrated trends; organisational factors which impact investigation status and the opportunities for improving work quality; the efficiency of case supervision and exercised control (start of investigation; skillset; procedure supervision measures and ensuring property penalties “fine and confiscation”; financial checks and interaction with the Commission for the Combating of Corruption and the Forfeiture of Illegally Acquired Property (CCCFIAP)); positive practices; objective and subjective difficulties for successful completion of cases; systemic weaknesses; pattern errors and repeating problems in the investigation and maintenance of convictions and other reasons for failing completed cases; factors other than pre-trial procedure bodies which impact negatively the successful completion of cases.	Within the term of 6 months	Prosecutor’s Office of the Republic of Bulgaria

	<p>2. Resource analysis (number of investigative bodies and prosecutors, presence or absence of specialisation in the field, e.g. whether they work on specific type of cases and proceedings only, time resource available by case; level of practical and theoretic preparedness; level of motivation; access to information which the investigation requires; level of direct communication with the operational bodies and ministry inspectorates; material resources, etc.) and identification of problem aspects, improvement measures, respectively so that they can fight corruption effectively; conduction of trainings and specialisations.</p>	<p>Within the term of 2 years</p>	<p>Prosecutor's Office of the Republic of Bulgaria</p>
	<p>3. Preparing expert proposals for legal amendments in the Criminal Code (CC) and CPC, including: decriminalizing the "incitement to bribery"; regulating a detailed procedure for conducting such activities by servants under cover in compliance with decisions on cases of the European Court of Human Rights, which require the issuing of guarantees for lack of supervision concerning the official and indisputable evidence excluding any possibility of misuse; arranging more severe sanctions in established conflict of interests; providing for measures for the protection of persons who have filed a corruption signal; removing the excessive formalism of the Bulgarian penal process.</p>	<p>Within the term of 6 months</p>	<p>Prosecutor's Office of the Republic of Bulgaria</p>
	<p>4. Discussing the expert proposals under it. 3 concerning legislative amendments in CC and CPC by a working group including representatives of the Ministry of Justice, Prosecutor's Office of the Republic of Bulgaria, Supreme Court of Cassation, Bar Register, academic community, etc.</p>	<p>Within the term of 1 year</p>	<p>Ministry of Justice</p>
<p>Challenges in the field of human resources and improving the overall work of the Commission for the Combating of</p>	<p>5. Conducting procedures under the Civil Servant's Act (contests, mobility, etc.) with the purpose to occupy the vacant positions in the CCCFIAP's general and specialized administration.</p>	<p>30.03.2021 (permanent)</p>	<p>Commission for the Combating of Corruption and the Forfeiture of Illegally Acquired Property</p>

Corruption and the Forfeiture of Illegally Acquired Property.	6. Completing the process of optimizing the CCCFIAP's administration structure with the purpose of improving the efficiency of its work, while at the same time introducing reasonable reduction in the number of structural units and manager/executive staff ratio.	31.12.2020	Commission for the Combating of Corruption and the Forfeiture of Illegally Acquired Property
	7. Adopting a new territorial structure of the CCCFIAP's administration, including closure of low workload units (territorial bureaus, outsourced positions) at given territories and ensuring high workload territorial directorate positions and units.	31.12.2020	Commission for the Combating of Corruption and the Forfeiture of Illegally Acquired Property
	8. Increasing the number of job positions of "Combating Corruption" Directorate and conducting recruitment procedures for identified vacant and newly opened positions.	31.12.2020	Commission for the Combating of Corruption and the Forfeiture of Illegally Acquired Property
	9. Creating territorial units at the "Combating Corruption" Directorate by the seat of the appeal region and their human resources provision by transforming the vacant administration positions and preserving the opportunity for opening up outsourced jobs for the said directorate.	30.06.2021	Commission for the Combating of Corruption and the Forfeiture of Illegally Acquired Property
	10. Adopting new rules and procedures for conducting the integrity check at the CCCFIAP (the Commission's project proposal for EU funding through the Structural Reforms Support Service (SRSS) has been classified as high-priority).	30.06.2021	Commission for the Combating of Corruption and the Forfeiture of Illegally Acquired Property
Publicity and increasing trust in the Commission for the Combating of Corruption and the Forfeiture of Illegally Acquired Property	11. Updating the CCCFIAP's webpage by introducing "Internet Reception for Citizens", providing the opportunity for online filing of signals under the CCCFIAP's rules of procedure, as well as for submitting questions/answers concerning law implementation.	31.12.2020	Commission for the Combating of Corruption and the Forfeiture of Illegally Acquired Property
	12. Establishing a separate unit at the "Combating Corruption" Directorate, which to conduct the communication with citizens, state institutions and non-governmental organisations related to the daily inquiries concerning the implementation of the law in coordination with the other specialized administration units,	30.03.2021	Commission for the Combating of Corruption and the Forfeiture of Illegally Acquired Property

	e.g. CCCFIAP's Information Centre, which will also lead information campaigns with anti-corruption orientation.		
	13. Establishing new model templates of the property and interests declarations, as well as instructions for filling-in and submission of these declarations.	31.12.2020	Commission for the Combating of Corruption and the Forfeiture of Illegally Acquired Property
	14. Establishing new model templates for the declarations, submitted by the persons falling within the scope of it. 2 of the Supplementary Provisions (SP) of the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Act (CCUAAFA) and their directions.	31.12.2020	Commission for the Combating of Corruption and the Forfeiture of Illegally Acquired Property
	15. Upgrading the existing Public Register's electronic system with new software solutions according to the declaration model templates, including the opportunity of their online submission by liable persons.	31.12.2021	Commission for the Combating of Corruption and the Forfeiture of Illegally Acquired Property
	16. Publishing on the CCCFIAP's webpage of a Bills Register for the bills proposed by executive authorities in relation to which the Commission has exercised its coordination powers concerning the corruption risk, also containing the "history" of each bill and decisions thereto.	31.12.2020	Commission for the Combating of Corruption and the Forfeiture of Illegally Acquired Property
	17. Publishing on the CCCFIAP's webpage of a systematized case law concerning principle questions on the conflict of interests with the continuous update of this "database".	31.12.2020	Commission for the Combating of Corruption and the Forfeiture of Illegally Acquired Property
	18. Active media communication	permanent	Commission for the Combating of Corruption and the Forfeiture of Illegally Acquired Property
Lack of law on regulating lobbying. Responding to the expressed concern in the 2020 Rule of Law Report, there is no specific obligation for registering the	19. Establishing a working group for researching the best European practices, drafting a concept for regulating lobbying in line with the European Commission's recommendations and standards, Recommendation CM/Rec(2017)2 of the Committee of Ministers of the Council of Europe to the member states	Within the term of 2 years	Ministry of Justice and Secretariat of the National Council on Anti-Corruption Policies

lobbyists or for declaring contacts among public servants and lobbyists.	related to the legal provision of lobbyist activities in the context of public decision-making and conduction of public consultations on the concept, which to serve as a basis for bill drafting.		
The website of the National Council on Anti-Corruption Policies does not provide functional access to information about its activities	20. Creation of a new website of the National Council on Anti-Corruption Policies for providing functional access to the information related to its activities.	Within the term of 1 year	Administration of the Council of Ministers, Secretariat of the National Council on Anti-Corruption Policies
Counter-action to corruption crimes. Strengthening the prevention of corruption crimes.	21. Conducting an ex-post assessment on the CPC impact with respect to introduced amendments in the jurisdiction of corruption crimes.	Within the term of 2 years	Ministry of Justice
III. Media Pluralism			
Challenges/Recommendations	Measures	Execution Time	Institution in Charge
Financial dependency and scarcity of resources in the Council on Electronic Media (CEM)	1. The budget forecast over the period 2021–2023 foresees an increase of 10% for personnel funds, as CEM’s draft budget plans additional personnel expenditure for strengthening CEM’s administrative capacity with 6 positions and for paying off due remedies to the staff. With the purpose of creating the conditions for implementing the powers of CEM, as defined by the Radio and Television Act, additional current maintenance expenditure at the size of TBGN 200.0 and additional capital expenditure at the size of TBGN 650.0 have been envisaged for acquiring a media content monitoring system and ensuring information systems safety.	From 01.01.2021	Ministry of Finance in relation to developing a draft 2021 State Budget Act of the Republic of Bulgaria (SBARB) CEM – implementing the measure after the entry into force of the 2021 SBARB
Insufficient transparency of media ownership and their funding	2. Improving the media environment in Bulgaria – the detailed strategy draft of the National Development Programme Bulgaria 2030 includes the topic of media pluralism under Priority 10 “Institutional Framework”. Developing an action plan containing measures for improving media pluralism after “putting on the table” all topics and problems stated by the international standards and reports, which should be also based on wide public consultations with the relevant stakeholders and their expert organisations, including by attracting the academic community and experts recognized in their respective field, and in relation to the following matters:		

	2.1. Improving the transparency in public spending for communication instruments (“state advertisement”)	Within the term of 2 years	Deputy Prime Minister
	2.2. Measures for protecting journalists against violations, harassment and interference. Increased transparency and accountability of investigations in similar cases	Within the term of 2 years	Ministry of Culture Ministry of Justice, Ministry of Interior The Prosecutor’s Office of the Republic of Bulgaria
	2.3. Ensuring a market-based distribution of print media	Within the term of 2 years	Ministry of Transport, Information Technologies and Communication
	2.4. Measures related to media property transparency. Strengthening the control for declaring property.	Within the term of 2 years	Ministry of Culture
	2.5. Organisation and funding of the public electronic media	Within the term of 2 years	Ministry of Culture Ministry of Finance
	2.6. Improving access to public information for the needs of the media	Within the term of 2 years	Ministry of Culture Administration of the Council of Ministers
	2.7. Enhancing the capacity of the institution, which bears responsibility for the media environment. Defining the institution composition by applying the highest standards, ensuring neutrality, impartiality and professionalism	Within the term of 2 years	Ministry of Culture
IV. Other institutional issues related to the principles of interdependency and mutual limitation			
Challenges/Recommendations	Measures	Execution Time	Institution in Charge
Responding to the expressed concern in the 2020 Rule of Law Report with respect to the circumvention of requirements in relation to conducting public consultations and impact assessments.	1. Continuing the Governmental policy on conducting public consultations and impact assessment of the legal acts.	permanent	The Council of Ministers
	2. Continuing the Council activity on applying the Updated Strategy for Continuing the Reform in the Judicial System related to discussing the drafts of legal acts in the field of	permanent	Ministry of Justice

Increased transparency level of the process for elaborating drafts of legal acts and guarantees for participation of the civil society and the non-governmental sector.	judicial reform with the participation of representatives of the civil society and non-governmental organisations.		
Scarcity of human resources and of funding in the institutions of the Ombudsman of the Republic of Bulgaria and the Commission for Protection against Discrimination (CPD)	3. The budget forecast over the period 2021–2023 foresees an increase of 10% of the personnel funds, including salaries and remuneration of the staff employed under labour or service contracts, other remuneration and personnel payments and the respective social contributions. Besides, with the purpose to improve the capacity of the institution of the Ombudsman of the Republic of Bulgaria, its draft budget envisages additional expenditure in the amount of TBGN 50.0, TBGN 30.0 of which for current expenditure and TBGN 20.0 for capital expenditure.	From 01.01.2021	Ministry of Finance in relation to developing a draft 2021 State Budget Act of the Republic of Bulgaria (SBARB) The Ombudsman and CPD – implementing the measure after enforcing the 2021 SBARB
There is a lack of predictability and stability in the legal procedure due to making frequent legislative amendments	4. Improving the legal procedure – in the detailed strategy draft of the National Development Programme Bulgaria 2030 the topic has been included with several impact areas under Priority 10 “Institutional Framework”: Sustainable and coordinated policies; Quality of the legal framework; Legal security.		
	4.1. Lodging with the Council of Ministers a draft decision on adopting a Guidance for ex-post impact assessment	Within the term of 6 months	Deputy Prime Minister
	4.2. Conducting ex-post impact assessments of key laws, defined by the Council of Administrative Reform, when the 5-year term, as stipulated by the Law on Legal Acts of 2016, has been expiring.	Within the term of 2 years	Council of Administrative Reform, ministries in charge of implementing the laws
	4.3. Introducing a preliminary impact assessment requirement for the drafts of ministers’ regulations which have economic, social or environmental impact (e.g. not to all drafts) with an amendment to the Law on Legal Acts (LLA).	Within the term of 2 years	Deputy Prime Minister