

**THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED  
BY BULGARIA**

**ARTICLE 8 UNCAC**

**CODES OF CONDUCT FOR PUBLIC OFFICIALS**

**BULGARIA (THIRD MEETING)**

**Paragraph 1 of article 8**

1. In order to fight corruption, each State Party shall promote, inter alia, **integrity, honesty and responsibility among its public officials**, in accordance with the fundamental principles of its legal system.

*Is your country in compliance with this provision? (Check one answer)*

**(Y) Yes**

The Integrated strategy to prevent and counter corruption and organised crime prescribes for high level of transparency of government and enhanced civil control, increased transparency in public services delivery, management and disposal of state and municipal property, public procurement, concessions, EU funds management and absorption, transparent appointments of officials and strict observation of clearly defined rules of professional conduct, performance appraisal and career development.

One of the instruments for executing the Integrated Strategy for Fight against Organized Crime and Corruption the Complex Model for Prevention and Counteraction of Corruption and Organized Crime, the so called BORKOR Project.

On July 29th 2010 an Ordinance of Council of ministers was adopted for the formation of a Center for Prevention and Counteraction of Corruption and Organized Crime (BORKOR). Regulation of the activity, structure, organization of the work and number of the personnel of the Centre was adopted on 24.11.2010. The Regulation is adapted to the Project goals. Thus, the legal and institutional framework of the Complex model BORKOR has been finalized.

The idea of the BORKOR Project is that representatives of various institutions involved in the fight against corruption unify their efforts in an integrated structure by proposing solutions of legislative, administrative and organizational nature in the area of prevention and counteraction of corruption. The Center is assigned with primarily analytical functions. Its main tasks are interconnected with analysis, planning and development of measures and complex decisions, aiming at preventing the possibility of establishment of corruption practices and counteraction of corruption as a whole. The Center is going to assist the central and decentralized administration by the elaboration and adoption of

preventive measures. It will further assist the coordination efforts in this area between the state bodies, the civil society and the business. The first project of the BORKOR center is dealing with examination of the public procurement framework in Bulgaria.

The activity of the Centre is under the methodological guidance of an Advisory Council consisting of representatives of the legislative, the executive and judicial authorities. Chair of the Advisory Council is the Deputy Prime Minister and Minister of Interior.

***Have you ever assessed the effectiveness of the measures adopted to promote integrity, honesty and responsibility among public officials?***

**(Y) Yes**

### **Paragraph 2 of article 8**

2. In particular, each State shall endeavour to apply, within its own institutional and legal systems, **codes or standards of conduct** for the correct, honourable and proper performance of public functions.

***Has your country adopted and implemented the measures described above? (Check one answer)***

**(Y) Yes**

Code for the conduct of the employees in the state administration (prom. SG. 53/22 Jun 2004) and the Law for the civil servant are relevant for this provision.

Article 2 of the abovementioned code prescribes that the activity of the employees shall be carried out in compliance with the principles of legality, loyalty, honesty, impartiality, political neutrality, responsibility and accountability. Further it requires that the employees perform their activity competently, objectively, conscientiously and in accordance with the law striving continuously to improve their work in the interest of citizens.

One of the Basic Principles upon Performance of Civil Service, according to art. 18 of the Law for the civil servant is that the performance of civil service shall be based on the principles of lawfulness, loyalty, accountability, stability, political neutrality, and chain of command.

***Law for the civil servant***  
***"Chapter Three***  
***CIVIL SERVANT STATUS***

***Section I***  
***GENERAL PROVISIONS***

Basic Principles upon Performance of Civil Service

Article 18. Performance of civil service shall be based on the principles of lawfulness, loyalty, accountability, stability, political neutrality, and chain of command.

#### Conditions for Performance of Civil Service

Article 19. The State shall create the conditions necessary for execution of the duties of any civil servant by protecting the said servant in the legally conforming execution of the official duties and by indemnifying the said servant and the family thereof for any detriment inflicted thereon in the course of, and in connection with, the performance of civil service.

#### *Section II*

#### *CIVIL SERVANT DUTIES*

#### Duties to Citizens

Article 20. (1) The civil servant shall be obligated to rule on citizens' requests without delay. The civil servant must grant accurately and promptly any such requests as shall be legally conforming, and assist in the acknowledgment of citizens' rights and legitimate interests.

(2) The civil servant shall be obliged not to treat the citizens thereby attended in a rude, unmannerly or disrespectful manner.

#### Manner of Civil Service Performance

Article 21. (1) Each civil servant shall be obligated to execute the duties thereof accurately, conscientiously and impartially in accordance with the laws of the land and with the rules of organization of the relevant administration.

(2) The duties of each civil servant shall be defined in the job description thereof.

(3) Additional duties may be assigned to a civil servant solely in the cases prescribed by this Act.

#### Duty to Assist and Cooperate with Bodies of State Power

Article 22. Each civil servant shall be obligated to actively assist and cooperate with the bodies of state power in the implementation of the powers of the said bodies.

#### Duty to Keep Hours of Work

Article 23. Each civil servant shall be obligated to keep the hours of work as fixed and to spend the said hours executing the duties thereto assigned.

## Chain of Command

Article 24. (1) Each civil servant shall be obligated to obey the legally conforming acts and orders of superior authorities and civil servants.

(2) No civil servant shall be obligated to obey any duly issued wrongful order, should the said order contain a breach of law manifest to the said servant.

(3) Each civil servant may request a written confirmation of the official act, should the verbal order given thereto contain a breach of law manifest to the said servant.

(4) No civil servant shall be obligated to obey any order directed against himself or herself, the spouse thereof, any lineal relative up to any degree of consanguinity, any collateral relative up to the fourth degree of consanguinity, or any relative by marriage thereof up to the second degree of affinity inclusive. In such cases, the civil servant shall be obligated to notify immediately the authority wherefrom the order has originated, and the said authority, for his or her part, must assign the execution of the order to another servant or to perform it himself or herself.

## Protection of Classified Information Constituting State or Official Secrets

Article 25. (Amended, SG No. 45/2002) (1) Each civil servant shall be obligated to safeguard any classified information constituting a state secret or an official secret as shall come to the knowledge thereof in the course of, or in connection with, the execution of the official duties thereof.

(2) The classified information constituting a state secret or an official secret, as well as the procedure for handling of any such information, shall be determined by law.

## Prohibition to Make Statements

Article 26. (Repealed, SG No. 95/2003).

## Duty to Notify

Article 27. Should, during the implementation of the civil-service relationship, there occur any of the grounds for ineligibility under Article 7 (2) of this Act, the civil servant affected shall be obligated to notify the appointing authority of the incompatibility with the service performed within seven days after occurrence of any such ground.

## Duty to Safeguard Civil Service Prestige

Article 28. (1) (Redesignated from Article 28 and supplemented, SG No. 95/2003) In the course of execution of the official duties thereof and in the public life thereof, each civil servant shall be obligated to maintain a conduct which does not degrade the prestige of

the civil service and which conforms to the Code of Conduct of State Administration Staff.

(2) (New, SG No. 95/2003) The Code of Conduct of State Administration Staff shall be adopted by the Council of Ministers and shall be promulgated in the State Gazette.

#### Duty to Disclose Financial Interests

Article 29. (Amended, SG No. 15/2012) (1) Upon assumption of position, each civil servant shall be obligated to disclose the financial interests thereof to the appointing authority.

(2) Annually, on or before the 30th day of April, each civil servant shall be obligated to disclose to the appointing authority the financial interests thereof, as well as the remunerations received during the last preceding calendar year in connection with the performance of work outside the civil-service relationship and the grounds for the receipt of the said remunerations.

(3) Disclosure under Paragraph (2) shall be effected in a standard form endorsed by the ordinance referred to in Article 8 (2) herein.

#### Duty to Disclose and to Avoid Conflict of Interest

Article 29a. (New, SG No. 95/2003, supplemented, SG No. 30/2006, SG No. 43/2008, repealed, SG No. 94/2008, effective 1.01.2009).

#### **Paragraph 3 of article 8**

3. For the purposes of implementing the provisions of this article, each State Party shall, where appropriate and in accordance with the fundamental principles of its legal system, take note of the relevant initiatives of regional, interregional and multilateral organizations, such as the International Code of Conduct for Public Officials contained in the annex to General Assembly resolution 51/59 of 12 December 1996.

*Is your country in compliance with this provision? (Check one answer)*  
(Y) Yes

Please provide a brief account of how this provision has been implemented:

Bulgaria complies with the requirements of the International Code of Conduct for Public Officials, as well as of other relevant regional and international initiatives through the provisions of its Law on the civil servants, Law on Prevention and Ascertainment of Conflict of Interest and Law on the Political Parties.

#### **ANNEXE: Code of Conduct of State Administration Employees**

Adopted with CoM Decree No. 126/11.06.2004, promulgated, SG No. 53/22.06.2004  
Text in Bulgarian: Кодекс за поведение на служителите в държавната администрация

## **Chapter One**

### **GENERAL PROVISIONS**

**Article 1.** This code shall specify the rules for the behaviour of the employees in the state administration and shall aim at increasing public confidence in their professionalism and morals as well as at enhancing the prestige of the civil service.

**Article 2.** (1) The activity of the employees shall be carried out in compliance with the principles of legality, loyalty, honesty, impartiality, political neutrality, responsibility and accountability.

(2) Employees shall perform their official duties in strict compliance with the law of the Republic of Bulgaria, contributing to the implementation of state policy based on the principles of the rule of law.

(3) Employees, depending on the functions they perform, shall undertake actions, propose and take decisions leading to the elimination of arbitrariness and consolidating trust in the institutions of the state.

(4) Employees shall perform their activity competently, objectively and conscientiously striving continuously to improve their work in the interest of citizens.

(5) Employees shall follow a conduct that does not impair the prestige of the civil service not only in the course of performing their official duties but also in their public and personal life.

(6) In the course of performing their official duties employees shall behave politely and respectfully towards everybody, respecting personal rights and dignity and not allowing any manifestations of discrimination.

## **Chapter Two**

### **RELATIONS WITH CITIZENS**

**Article 3** (1) Employees shall perform their duties impartially and without bias creating conditions for the equality of considered cases and shall do everything in their power that provided services should be accessible to all.

(2) Employees shall be obliged to protect the data and the personal information of citizens of which they have become aware in the course or in connection with the performance of their official duties.

**Article 4.** (1) Employees shall provide administrative services in compliance with the law, in due time, accurately, conscientiously and impartially. They shall be obliged to take positions on the requests of citizens and to provide to them all the information in view of

protecting their rights and interests and in compliance with the requirements of the Classified Information Protection Act and the Personal Data Protection Act.

(2) Employees shall respond to questions asked according to the functions they perform and should it be required shall redirect citizens to other employees commanding the appropriate competence.

(3) Employees shall inform citizens on the possibilities for appeal in case of malpractices allowed by the administration or of refusal to perform an administrative service.

### **Chapter Three**

#### **PROFESSIONAL CONDUCT**

**Article 5.** (1) Employees shall assist the state authority with high professionalism, impartiality and proactively in elaborating and conducting state policy as well as in implementing the decisions taken and in exercising its powers.

(2) When performing their official duties employees shall follow a conduct creating confidence in the authorities they assist that they can trust them and count on them.

(3) Employees shall perform their duties honestly and impartially not allowing to be influenced by personal political bias.

(4) When making proposals before the bodies of state authority employees shall provide the entire information related to taking the specific decision.

**Article 6.** (1) Employees shall be obliged to observe official hierarchy and to execute strictly the acts and the orders of the superior bodies and officials of the administration.

(2) Employees shall not be obliged to carry out an unlawful order issued under the established procedures when it contains an offence that is apparent to them.

(3) Employees may require a confirmation in writing of the official act when the oral order directed at them contain an offence that is apparent to them.

(4) Employees shall not be obliged to carry out an order which affects their rights, the rights of their spouses, direct relatives without limitations, lateral relatives up to the fourth degree and relatives by marriage up to the second degree inclusive. In this case they shall be obliged to inform the body from which they have received the order forthwith.

**Article 7.** Employees shall place before their superiors openly and frankly the issues they confront in the course of their work.

**Article 8** (1) Employees shall oppose acts of corruption and other illegal actions in the state administration.

(2) Employees shall not allow to be placed in financial dependence or in another involvement by outside persons or organisations, neither shall they demand or accept gifts,

services, money, gains or other benefits that might influence their official duties, their decisions or impair their professional approach on specific questions.

(3) Employees may not receive gifts or gains that might be perceived as a reward for performing work that is part of their official duties.

**Article 9.** Employees shall not express personal opinions in a manner that might be interpreted as an official position of the administration they work in.

**Article 10.** (1) In performing their official duties employees shall protect the property assigned to them with due care and shall not allow its use for personal ends. Employees shall be obliged to duly inform their immediate superiors on the loss or damage of the property assigned.

(2) The documents and data in the state administration may be used by employees only for carrying out their official duties in compliance with the regulations on the protection of information.

**Article 11.** Employees shall be obliged to observe the established working time for performing the duties assigned to them.

#### **Chapter Four CONFLICT OF INTERESTS**

**Article 12.** (1) Employees may not participate in considering, preparing, taking and implementing decisions when they or persons related to them in the meaning of § 1 of the additional provision of the Civil Servants Act are interested in the respective decision or when they have relations with the interested persons arousing reasonable suspicions about their impartiality.

(2) When being assigned an official task the implementation of which may lead to a conflict between their official duties and their private interests employees should duly inform their superior.

(3) Employees who become aware of facts and circumstances of an arising conflict of interests in the administration they are employed by they shall take the necessary measures for clarifying the issue.

(4) When employees have doubts whether certain activity is compatible with their official duties they should discuss this with their superior.

**Article 13.** (1) Employees may not use their official position for promoting their personal or their family's interests.

(2) Employees shall not participate in any transactions whatsoever that are incompatible with their position, functions and duties.

(3) Employees who have left the state administration should not misuse the information they have become aware of in connection with the position they have occupied or the functions they have performed.

## **Chapter Five**

### **RELATIONS WITH COLLEAGUES**

**Article 14.** (1) In relations with colleagues employees shall display respect and civility not allowing behaviour which is offending to the dignity and the rights of the individual personality.

(2) Employees shall respect the opinion of their colleagues and shall conform with the right to privacy.

**Article 15.** When contradictions between colleagues cannot be resolved among themselves they shall seek the help of their immediate superior.

**Article 16.** Employees must set an example with their personal behaviour and sense of responsibility for the other employees and employees at managing positions - also with respect to their subordinates.

## **Chapter Six**

### **PERSONAL CONDUCT**

**Article 17.** (1) When performing their official duties and in their public life employees shall follow a conduct that does not offend the reputation of the civil service.

(2) Employees shall not allow at their work place conduct that is incompatible with good manners.

(3) Employees shall seek to avoid in their conduct conflict situations and should they arise shall endeavour to terminate them by keeping calm and controlling their behaviour.

(4) Employees shall observe propriety and businesslike appearance in their dress corresponding to their official position and the institution they represent.

**Article 18.** Employees shall not participate in scandalous deeds with which they might offend the prestige of the state administration.

**Article 19.** Employees shall not engage in activities specified by law as incompatible with their duties and responsibilities, neither shall they receive revenues from such activities.

**Article 20.** Employees shall acquire and manage their property in a manner that should not give rise to doubts of malpractices.

**Article 21.** Employees should retire from office in case of carrying out activities that are incompatible with the conduct herein.

## **Chapter Seven OTHER PROVISIONS**

**Article 22.** Employees shall bear disciplinary liability under the Civil Servants Act and the Labour Code for not complying with the norms of conduct herein.

**Article 23.** Immediate superiors shall be obliged to familiarise employees with the provisions herein when they assume office for the first time.

### **Paragraph 6 of article 8**

6. Each State Party shall consider taking, in accordance with the fundamental principles of its domestic law, **disciplinary or other measures against public officials who violate the codes or standards** established in accordance with this article.

*Has your country adopted and implemented the measures described above? (Check one answer)*

**(Y) Yes**

**Please cite the text(s)**

### **Law on the civil servants**

#### **Section II**

#### **DISCIPLINARY LIABILITY**

#### **Grounds for Incurrence of Disciplinary Liability**

Article 89.

(1) Any civil servant, who has culpably breached the official duties thereof, shall be punishable by the sanctions provided for in this Act.

(2) The following shall be treated as a breach of discipline:

1. dereliction of official duties;
2. delay in the execution of official duties;
3. non-compliance with the scope of official powers;
4. breach of the duties to citizens referred to in Article 20 herein;

#### **5. (Amended, SG No. 95/2003) non-observance of the Code of Conduct of State Administration Staff**

(3) (Amended, SG No. 95/2003)

The failure of a head to consider a complaint by citizens about a breach referred to in Article 20 herein, committed by subordinates of the said head in respect of the complaining citizens, shall likewise be treated as a breach of discipline.

(4) Any civil servant shall incur disciplinary liability, irrespective of whether his or her act may be ground for incurrence of another type of liability as well.

#### Types of Disciplinary Sanction

Article 90.

(1) The following disciplinary sanctions may be imposed:

1. reprimand;
2. censure;
3. (Amended, SG No. 43/2008) deferral of promotion to a higher rank for one year;
4. demotion to a lower rank for a period ranging from six months to one year;
5. discharge.

(2) Only one disciplinary sanction may be imposed for one and the same breach of discipline.