



**REPUBLIC OF BULGARIA
COMMISSION FOR ANTI-CORRUPTION
AND ILLEGAL ASSETS FORFEITURE**

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With regard to the received request for information **(CU 2019/84/DTA/CEB)** prior to the tenth intersessional meeting of the Open-ended Intergovernmental Working Group on Prevention, established by the Conference of the States Parties to the United Nations Convention against Corruption in its resolution 3/2 entitled "Preventive Measures", and in order to facilitate the sharing of good practices between States parties and signatories we provide the following information:

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The National strategy for prevention of corruption in the Republic of Bulgaria 2015-2020, adopted with decision №230 of the Council of Ministers of 9 April 2015, reflects a strong will and a distinguished vision of the government to prevent and counter corruption. The strategy is based on the understanding that corruption is a major threat to democracy in Bulgaria.

The need to adopt a new anti-corruption strategy is driven primarily by expectations of Bulgarian society to achieve tangible results in the fight against corruption. It is explicitly highlighted in the European Commission report on Bulgaria's progress under the Mechanism for Cooperation and Verification of January 2015 and is intended as a measure in the government's program for sustainable development of the Republic of Bulgaria 2014 - 2018.

The strategy takes into consideration the findings and recommendations in the reports of the European Commission impact assessment of the Integrated Strategy for prevention and countering corruption and organized crime, anti-corruption report of the European Union, the updated strategy for continuing the reform of the judiciary and other analytical and strategic documents on countering corruption. It builds on the analysis of anti-corruption policies and the developed on its basis Strategic Guidelines for Prevention and Combating of Corruption 2015 - 2020 (adopted by a decision of the Council of Ministers on 27 February 2015) and is consistent with the Action Plan for implementation of recommendations of the European Commission report of January 2015 within the Mechanism for Cooperation and Verification (adopted by the Council of Ministers on 11 March 2015).

The strategy focuses on key measures, the implementation of which is supposed to have a decisive anti-corruption effect. A top priority is the fight against corruption in the high echelons of power. Emphasis in the strategy is

the proposed reform of the institutional framework for preventing and combating corruption targeting a better efficiency and coordination between existing administrative bodies and units. At the same time is taken into consideration the need for the engagement of independent, competent and respectable personalities in the anti-corruption institutions, without which no institutional system could ensure a necessary efficiency.

The strategy recognizes the crucial importance of policies in other areas that have an overall impact on the fight against corruption without duplicating priorities and measures set out therein, namely: judicial reform, administrative reform, e-government and public procurement. A successful implementation of these policies will create a favorable environment for declining corruption practices.

The horizon of the 2020 strategy is in alignment with other national strategic and program documents which implementation is essential for achieving the objectives of this strategy, including the National Development Program „Bulgaria 2020“.

The main target actions defined by the strategy are:

- Displaying the priorities of the state policy for preventing and countering corruption;
- Identifying specific anti-corruption measures and related government policies;
- Shaping the institutional system for preventing and countering corruption,
- Assigning a set of general guidelines for preventing and combating corruption to be reflected in the anti-corruption policies in various sectors;
- Determining the mechanism and institutions responsible for implementation and monitoring strategy.

The main principles of state policy on prevention and countering corruption are:

- Supremacy of Law;

- Establishing the principles of good governance, transparency and accountability in the work of the administration;
- Ensuring the rights and legitimate interests of citizens;
- Consistent, systematic and ongoing implementation of the state policy in the field of preventing and countering corruption;
- Involvement of interested parties and stakeholders in the process of decision making.

Overcoming deficits in the institutional framework through the establishment and strengthening of anti-corruption authorities and entities and their transformation into powerful effective authorities, guided by the principles of transparency and accountability is the only way to attain a substantial progress and qualitatively different results in countering corruption.

At the time of the adoption of the strategy most of the envisaged measures suggest changes in the actual legislation; the most important changes being:

1. A new law governing the status and functions of the single anti-corruption authority. The goal is to be adopted by mid-2015, to be capable to start working latest in early 2016; meanwhile it should have selected and trained employees, and their work in the new authority is to be accompanied by good resources and a methodological tool.
2. Amendments to the Law on Forfeiture of the State of illegally acquired assets to expand opportunities for investigation of unexplained sources of wealth. The objective is the Law to be adopted by mid-2015.
3. Amendments of the Criminal Law and Code as well to increase the effectiveness of prosecution of corruption. The deadline for its development and adoption is June 2015.
4. Amendments of the Election Code focused at reducing opportunities for buying votes.

The plan was adopted at the first meeting of the National Council on Anti-Corruption Policies, held on 8 July 2015.

The plan includes all the measures envisaged in the National strategy for prevention of corruption in the Republic of Bulgaria 2015-2020, with the respective institution, responsible for their implementation, as well as the deadline for implementation.

The control over the implementation of each one of the measures is performed on a regular basis by the National Council on Anti-Corruption Policies.

ACTIONS TAKEN

For the period 2015-2018 the following actions have been taken to implement the measures, set out in the National strategy for prevention of corruption in the Republic of Bulgaria 2015-2020:

UNDER PRIORITY 1: DEVELOPMENT OF AN EFFECTIVE SYSTEM OF ANTI-CORRUPTION ORGANS AND UNITS

1. The Deputy Prime Minister for Judicial Reform and Minister for Foreign Affairs has been designated as a national anti-corruption policy coordinator by decision of the Council of Ministers No 329 of 22 June 2017;
2. The National Council on Anti-Corruption Policies was established with Decree No 136 of 29 May 2015 of the Council of Ministers as an inter-ministerial body for the design and implementation of policies in the field of prevention and anti-corruption. Members of the Council are representatives of the executive power, the chief inspector of the Inspectorate of the Supreme Judicial Council; Deputy Prosecutor General; deputy chairperson of the State

Agency for National Security; the head of the General Inspectorate of the Council of Ministers; the deputy chairperson of the Commission for Anti-Corruption and Illegal Assets Forfeiture. With Decree No 133 of 5 July 2017 of the Council of Ministers, a representative of the National Association of Municipalities of the Republic of Bulgaria was included as a member of the Council.

3. With the adoption of the Counter-Corruption and Illegal Assets Forfeiture Act (CCIAFA) - promulgated SG No. 7 from January 19, 2018, were regulated:
 - The terms and procedure for illegal assets forfeiture in favour of the State;
 - The status and functions of the Commission for Anti-Corruption and Illegal Assets Forfeiture (CACIAF);
 - The interaction of the Commission with other State bodies and international cooperation.
4. Changes to the Act on Administration set out the achievement of the following objectives: Independence of the inspectorates, as internal administrative control units; The delimitation of administrative controls by other types of control activity; Introducing uniform rules and procedures governing their activities; Increase the efficiency of the inspectorates work by strengthening their expertise, administrative and analytical capacities; Establishing a common system for the prevention, detection and correction of breaches in the functioning of the administration.

UNDER PRIORITY 2: COMBATING CORRUPTION IN THE HIGH ECHELONS OF POWER

1. With the amendments to the Judicial System Act in 2016 and the adoption of the Counter-Corruption and Illegal Assets Forfeiture Act was widened the scope of the declared circumstances of the senior public office holders.

2. With Decision No 785 of 19 December 2017 the Council of Ministers approved a draft amending the Criminal Code with regard to corruption offences which was submitted to the National Assembly for consideration and adoption. The aim of the draft act is to harmonise the regime of corruption offences, so that the criminal law rules apply symmetrically for public officials and for private sector officials.

UNDER PRIORITY 3: COUNTERING POLITICAL CORRUPTION WITH EMPHASIS ON ELECTORAL CORRUPTION

1. As regards countering political corruption with a focus on “electoral corruption” is the amendment of the Election Code and allowing for greater scrutiny of the voting process. Advocates of political parties are allowed to lodge complaints against violations in the electoral process, which ensures wider civil oversight by those directly interested in the outcome of the elections. The possibilities to register observers from non-political organisations are limited. Observers can only be sent by NGOs that are directly related to the protection of civil rights.

The latest amendments to the Electoral Code provide for a change in the composition of the members of the district electoral commissions, the municipal election commissions and the committee polling station. Proposals for the composition of these committees can be made by parliamentary parties and coalitions. Every parliamentary represented party or coalition may participate in the electoral commission with as many members as equal to the percentage of actual votes it has received during the last parliamentary elections. Video surveillance in polling stations was also introduced to allow voters to observe the voting day and to report in case of detected breaches of the Electoral Code. This will strengthen the control of elections and increase voter confidence in the election results.

1. As of 1 January 2017 the Inspectorate to the Supreme judicial court, as an independent body, which is outside of the executive power carries out integrity and conflict of interest checks on judges, prosecutors and investigators, their assets declarations, and the identification of actions that harm the reputation of the judiciary, and those relating to the violation of the independence of judges, prosecutors and investigators.
2. The Commission for Anti-Corruption and Illegal Assets Forfeiture adopted Rules on the conduct of integrity tests. The rules have been published on the Commission's website. "Integrity test" is defined as a test which is intended to ascertain that the tested person executes the powers or performs the duties thereof with honesty and integrity while observing the Constitution and the laws of the land in the interest of citizens and society. Pursuant to article 6, paragraph 14 of the transitional and final provisions of Counter-Corruption and Illegal Assets Forfeiture Act, all of CACIAF's officials were subjected to an integrity test, carried out under rules adopted by the Commission.
3. In 2015, in view of the unsatisfactory outcome of the implementation of the plan to prevent and counter corruption, the management of the Ministry of Interior decided to draft an anti-corruption concept consistent with the adopted National strategy for the horizon 2020. As a general principle, the idea of active actions on three main directions — training, counteraction and law enforcement — is enshrined in the Concept. The implementation of the Concept for Prevention and Counteraction of Corruption is implemented through annual Action plans for prevention and counteraction of corruption. In 2016, the first annual Action Plan was carried out in line with the newly adopted Concept.
4. In 2017, anti-corruption plans were established and implemented by all ministries. At the end of July 2017, the National Council on Anti-Corruption Policies took the decision an analysis of all plans to be carried out, in order to

be identified weak points and to be proposed measures to address them. Following the analysis and the comments, received from the Ministries, at the meeting of 2 February 2018, the National Council on Anti-Corruption Policies adopted uniform rules – Guidelines on the establishment of anti-corruption plans.

UNDER PRIORITY 5: RELEASE OF CITIZENS OF PETTY CORRUPTION

1. The strategic objectives of eGovernment set out in the Strategy for the Development of e-Government in the Republic of Bulgaria 2014-2020, as well as the existing framework, are aimed at developing the level 3 and level 4 electronic administrative services, leading to the minimum participation of the human factor in their delivery.
2. By Decision of the Council of Ministers of 29 August 2017, the draft Act amending the Administration Act was approved and submitted to the National Assembly. The Act was adopted by the National Assembly on 12 October 2017 and published in SG No 85 of 2017. The changes set the achievement of the following objectives:
 - independence of the inspectorates, as internal administrative control units;
 - the limitation of the administrative control by the other types of control activity;
 - introducing uniform rules and procedures governing their activities;
 - increasing the efficiency of the inspectorates work by strengthening their expertise, administrative and analytical capacities;
 - establishing a common system for the prevention, detection and correction of breaches in the functioning of the administration;

The law provides for the structure and minimum number of inspectorates, the order and the way in which their activities are carried out and the interaction with the specialised control bodies to be determined by a regulation adopted by the Council of Ministers.

UNDER PRIORITY 6: CREATE AN ENVIRONMENT OF PUBLIC INTOLERANCE TOWARDS CORRUPTION:

1. The website of the Council of Ministers ensures open access to all decrees, orders and decisions, approved by the Governments of the Republic of Bulgaria since 1990. The information is continuously updated with the newly adopted acts. The project PRIS is designed to facilitate access to information, and it guarantees the government's declared will to operate in a transparent manner. Information on the agendas for meetings and information for the public and the media on adopted decisions, in which are also indicated anti-corruption measures or policies, is published on the page of the Council of Ministers. The Counter-Corruption and Illegal Assets Forfeiture Act provides that the CACIAF's decisions on the established conflict of interest of senior public officials, all judgments on the court cases in which the Commission has participated, including the judgments which have not become enforceable and which are appealable, as well as the rulings on the termination of court proceedings, including the rulings which have not become enforceable, refusals to initiate proceedings for illegal assets are published without delay on the Commission's website.
2. The Commission for Anti-Corruption and Illegal Assets Forfeiture has undertaken specific initiatives for including anti-corruption training and education at all educational levels. The following activities have been undertaken jointly with other institutions, universities and representatives of the local authorities:
 - Creation of a anticorruption program in a higher education institution;
 - Widening the scope of anticorruption education in primary and middle schools as an element of the civil education;

NATIONAL COUNCIL ON ANTI-CORRUPTION POLICIES

The National Council on Anti-Corruption Policies (NCAP) is an inter-ministerial body with advisory, coordination and control functions with regard to the development and implementation of policies in the field of prevention and countering corruption. The Council reports to the Council of Ministers.

POWERS OF THE NCAP

- Coordinates the development and update of draft strategies, programmes and plans in the field of prevention and countering corruption;
- Monitors and reports on the implementation of the relevant strategic and programming documents and organizes independent external evaluations of their implementation;
- Discusses the results of the implementation of anti-corruption policies and proposes measures to increase their effectiveness;
- Discusses information and specific problems in the implementation of anti-corruption policies;
- Discusses and provides opinions on analyses and reports relevant to countering corruption;
- Proposes amendments to legislative acts with the aim of conducting prevention and counter corruption policies more effectively;
- Shall hear representatives of the institutions with regard to formulating and implementing measures and actions for prevention and countering corruption;
- Proposes to the prime minister to entrust inspections by the general inspectorate to the Council of Ministers.

COMPOSITION OF THE NCAP

The Council consists of a chairperson, a deputy chairperson, a secretary and members.

- The Council is chaired by the Deputy prime minister for judicial reform and minister of foreign affairs;
- Deputy chairperson of the Council is the Minister of Justice;
- The secretary of the Council is a member of the political office of the chairperson;
- The other members are as follows:
 - Representative of the Political Office of the Deputy Prime Minister on Public Order and Security and Minister of Defence
 - Deputy Minister of Justice
 - Deputy Minister of the Interior
 - Deputy Minister of Economy
 - Deputy Minister of Finance
 - Representative of the Inspectorate to the Supreme Judicial Council
 - Deputy Prosecutor General
 - Deputy Chairperson of the State Agency for National Security
 - Head of the Chief Inspectorate to the Council of Ministers
 - Representative of the National Association of Municipalities in the Republic of Bulgaria
 - Deputy Chairperson of the Commission for Anti-Corruption and Illegal Assets Forfeiture
 - Deputy Chairperson of the Supreme Court of Cassation
 - Deputy Chairperson of the Supreme Administrative Court

The chairperson of the Council represents the Council; schedules, sets the agenda and chairs the meetings of the Council; organizes and controls the implementation of Council decisions.

MEETINGS

The Council holds regular and extraordinary meetings. Regular meetings of the Council are held at least once every two months. An extraordinary meeting of the Council may be convened in the presence of important circumstances by the chairman on his own initiative or on the proposal of three

members. The Council holds a meeting if half of its members are present. The Council's meetings are closed. Its work is presented to the public through regular briefings and messages to the mass media.

MPs, ministers, heads of other state bodies, representatives of local self-government and local administration, professional and civic organizations, other officials and experts may be invited to attend Council meetings. Information and advice may be requested from the competent authorities, organisations and persons to ensure the Council's proceedings.

In exercising its powers, the Council takes decisions. Decisions shall be taken by open vote by a majority of the members of the Council present at the meeting. A report is drawn up for each meeting of the Council, reflecting the discussions, findings and decisions adopted. The protocol is signed by the President and by the Registrar of the Council.

CIVIC COUNCIL

A Civic Council is established to the NCAP.

The Civic Council exercises civilian oversight and control over the implementation of anti-corruption policies, gives opinions and puts forward suggestions for making them more effective before the Council.

The Civic Council includes up to 11 members of which: one representative from seven non-governmental organisations who are active and have a proven experience in the field of preventing and counteracting corruption; one representative from two associations assisting small and medium-sized enterprises; and one representative from two employers' organisations recognised at national level. Participation in the Civic Council is on one year rotation.

The members of the Civic Council are determined by an order of the chairperson of the NCAP. Representatives of the Civic Council can attend NCAP's meetings and can receive the materials, intended for the meetings.

STATUS OF THE COMMISSION

The Commission for Anti-corruption and Illegal Assets Forfeiture is established on the basis of the Commission for Illegal Assets Forfeiture with the adoption of the Counter-Corruption and Illegal Assets Forfeiture Act, promulgated SG No. 7 from 19 January 2018.

Into the new anti-corruption authority are merged the Commission for Prevention and Identification of Conflict of Interests, the Center for the Prevention and Counteraction of Corruption and Organized Crime at the Council of Ministers, the relevant unit of the National Court of Auditors, related to the activity of the repealed Publicity of Assets of Persons Occupying High Public and Other Positions Act and the relevant specialized directorate of the State Agency for National Security, related to combating corruption among persons occupying high public positions.

CACIAF is an independent specialized standing government authority pursuing the policy of combating corruption and illegal assets forfeiture. The Commission is a collective body consisting of five members – a Chairperson, a Deputy Chairperson and three other members, which are elected by the National Assembly with a simple majority. The Commission has a six-year mandate. The National Assembly supervises the activities of the Commission and the Members of the Commission are obligated to report before the National Assembly and provide the information requested. The Commission presents an annual report on its activities, which is also submitted to the President of the Republic and the Council of Ministers and is published on the website of the Commission. This ensures the public control and transparency of Commission's activities.

Concerning the powers under article 13, paragraph 1 of CCIAFA, the Commission:

1. Implements preventive activities according to the procedure established by Chapter Four;
2. Gathers, analyses and verifies information where there is reason to believe that senior public office holders commit acts of corruption;
3. Verifies and analyses the declarations of assets and interests of senior public office holders;
4. Ascertains a conflict of interest of senior public office holders, hears or requires the submission of information regarding the examinations related to the ascertainment of a conflict of interest;
5. Verifies alerts in connection with the declarations of incompatibility of senior public office holders and refers any such alerts to the electing or appointing authority for an appropriate response;
6. Checks the assets status, adopts a decision on extension of the check in the cases provided for by this Act and decisions on termination of the check;
7. Institutes an illegally acquired assets forfeiture proceeding, which includes submission to the court of a motion for the imposition of precautionary measures and a claim for illegal assets forfeiture in favour of the State;
8. Refuses to institute an illegally acquired assets forfeiture proceeding;
9. Terminates the check referred to in article 107 (2) or extends the period of any such check;
10. Terminates illegally acquired assets forfeiture proceedings and reaches settlements under this law;

11. Adopts rules on the conduct of integrity tests of the Commission employees and organises the conduct of the said tests;

12. Endorses the standard forms of the declarations referred to in Items 2 and 4 of article 35 (1) of the law;

13. Exercises other powers as well, provided for in the law.

For the achievement of the objective of CCIAFA, the Commission and its authorities cooperate, acting within the competence vested therein, with the prosecuting magistracy, the Ministry of Interior, the authorities of the State Agency for National Security, the revenue authorities, the authorities of the National Customs Agency, the Chief Inspectorate of the Council of Ministers, the Inspectorate with the Supreme Judicial Council and the inspectorates, exercising internal administrative control over the activities of the administration, and also with State agency "Technical operations"; The Military Police Service in the implementation of anti-corruption activities.

The Commission exchanges information for the purposes of the law with the competent authorities of other States and with international organizations on the basis of international instruments and international treaties which are in force for the Republic of Bulgaria.