

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

ARTICLE 7, PARAGRAPH 4 UNCAC

CONFLICT OF INTEREST

BULGARIA (THIRD MEETING)

Conflict of Interest Prevention and Ascertainment Act (Title amended, SG No. 97/2010, effective 10.12.2010)

Promulgated, SG No. 94/31.10.2008, effective 1.01.2009, amended, SG No. 10/6.02.2009, amended and supplemented, SG No. 26/7.04.2009, effective 31.03.2009, amended, SG No. 101/18.12.2009, effective 18.12.2009, SG No. 62/10.08.2010, effective 10.08.2010, amended and supplemented, SG No. 97/10.12.2010, effective 10.12.2010

Text in Bulgarian: Закон за предотвратяване и разкриване на конфликт на интереси

Chapter One

GENERAL DISPOSITIONS

Article 1.

(Amended, SG No. 97/2010, effective 10.12.2010) This Act determines the rules for the prevention and ascertainment of a conflict of interest of public office holders.

Article 2.

(1) A conflict of interest arises where a public office holder has a private interest that may affect the impartial and objective execution of the official powers or duties thereof.

(2) (Amended, SG No. 97/2010, effective 10.12.2010) "Private interest" means any interest which results in a financial or non-financial benefit to a public office holder, or to any persons having close links therewith, including any obligation assumed.

(3) (Supplemented, SG No. 97/2010, effective 10.12.2010) "Benefit" means any income in money or in property, including acquisition of participating interests or shares, as well as granting, transferring or renouncing rights, receiving a privilege or honours, acquiring goods or services gratuitously or at prices below the market prices, assistance, vote, support or influence, advantage, obtaining or receiving a promise to obtain a job, a position, a gift, a reward or a promise to avoid a loss, liability, sanction or another adverse event.

Article 3.

Within the meaning given by this Act, "public office holders" shall be:

1. the President and the Vice President;
2. the Constitutional Court judges;
3. the National Representatives;

4. the Prime Minister, the Deputy Prime Ministers, the Ministers and the Deputy Ministers;
5. the Presidents of the Supreme Court of Cassation and of the Supreme Administrative Court and the Prosecutor General;
6. the National Ombudsman and the Deputy Ombudsman;
7. the Regional Governors and the Regional Vice Governors;
8. (amended, SG No. 26/2009, effective 31.03.2009) the mayors, the deputy mayors of municipalities and of boroughs;
9. the municipal councillors;
10. the members of the Supreme Judicial Council;
11. the Chief Inspector and the inspectors of the Inspectorate to the Supreme Judicial Council;
12. the President and the members of the National Audit Office;
13. the Governor, the Deputy Governors and the members of the Managing Board of the Bulgarian National Bank;
14. the Governor and the Vice Governor of the National Social Security Institute;
15. the heads of the overseas missions of the Republic of Bulgaria;
16. the administrative heads of the judicial authorities;
17. the single-person authorities, the deputies thereof and the members of the collegial authorities covered under Article 19 (4) of the Administration Act, as well as the members of other collegial authorities established by a law;
18. the heads of public-financed organisations established by a law, by a resolution of the National Assembly or by an act of the Council of Ministers;
19. (amended, SG No 101/2009, effective 18.12.2009, SG No. 62/2010, effective 10.08.2010) the members of the Supervisory Board, the Manager of the National Health Insurance Fund and the directors of the regional health insurance funds;
20. the judges, the prosecutors and the investigating magistrates;
21. the recording magistrates and the public enforcement agents;
22. the representatives of the State or the municipalities on the management or supervisory bodies of commercial corporations wherein the State or a municipality holds an interest in the capital or of not-for-profit legal entities;
23. the managers and the members of the management or supervisory bodies of municipal-owned or state-owned enterprises, as well as of other legal persons established by a law, by an act of a state body or of a body of local self-government;
24. (supplemented, SG No. 26/2009, effective 31.03.2009) the members of the political cabinets and the advisors and experts to the political cabinets;
25. (amended, SG No. 26/2009, effective 31.03.2009, amended, SG No. 97/2010, effective 10.12.2010) the staff in the Administration of the President, of the legislative, executive and judicial authorities, the staff in the local administration, the staff in the bodies established by a law, with the exception of the staff occupying technical positions.

Article 4.

(1) (Supplemented, SG No. 97/2010, effective 10.12.2010) Public office holders shall execute the duties thereof in the public interest with honesty, integrity, responsibility, and impartiality.

(2) Public office holders shall be accountable to the citizens and to the bodies that have elected or appointed them.

Chapter Two

PROHIBITIONS UPON EXECUTION OF PUBLIC OFFICE

Article 5.

A public office holder may not hold any other office or perform any activity which, according to the Constitution or a special law, is incompatible with the status thereof.

Article 6.

A public office holder may not represent the State or a municipality in the cases where the said office holder has a private interest in the taking of a particular decision.

Article 7.

(1) A public office holder shall not have the right, in the execution of the duties thereof, to vote in a private interest.

(2) A public office holder shall not have the right to use the official status thereof in order to exert influence in a private interest on other authorities or persons in the preparation, adoption, issuance or rendition of any acts or in the fulfilment of any control or investigating functions.

Article 8.

(Amended, SG No. 26/2009, effective 31.03.2009) A public office holder shall not have the right to participate in the preparation, discussion, adoption, issuance or rendition of any acts, to fulfil any control or investigating functions or to impose any sanctions in a private interest. Any such person shall not have the right to conclude any contracts or to perform any other activities in a private interest upon execution of the official powers or duties thereof.

Article 9.

(1) A public office holder shall not have the right to dispose of any state or public property, to spend any on-budget or off-budget resources, including resources from funds belonging to the European Union or made available by the European Union to the Bulgarian State, to issue any certificates, authorisations or licences, or to exercise control over any such activities in the interest of any not-for-profit legal entities, commercial corporations or co-operatives wherein the said office holder or any persons having close links therewith are

members of a management or supervisory body, managing directors, partners, or holders of interests or shares.

(2) A public office holder shall furthermore not have the right to perform any activities covered under Paragraph (1) in the interest of any not-for-profit legal entities, commercial corporations or co-operatives wherein the said office holder has been a member of a management or supervisory body, a managing director, a partner or a holder

of interests or shares twelve months prior to the date of election or appointment of the said office holder or for the duration of holding office.

Article 10.

(1) A public office holder shall not have the right to use or to authorise the use in a private interest of any information obtained in the execution of the official powers or duties thereof, for the duration of holding office and one year after vacating office, unless otherwise provided for in a special law.

(2) A public office holder shall not have the right to engage in consulting activity in respect of any persons who are interested in the acts of the said office holder issued in implementation of the official powers or duties thereof.

Article 11. (

Amended, SG No. 26/2009, effective 31.03.2009) A public office holder shall not have the right to grant consent or to use the official status thereof for commercial advertising.

Chapter Three

DECLARATION OF INCOMPATIBILITY AND PRIVATE INTERESTS

Article 12.

A public office holder shall submit:

1. a declaration of incompatibility within the meaning given by Article 5 herein;
2. a declaration of private interests; the said declaration shall be completed in a standard form according to the Annex hereto;
3. a declaration of occurrence of a change in the circumstances referred to in Item 1 or 2;
4. a declaration of a private interest on a particular occasion.

Article 13.

(1) A public office holder shall submit the declaration referred to in Item 1 of Article 12 herein within seven days after the election or appointment thereof.

(2) Where the person has declared the existence of incompatibility, the said person shall be obligated to take the actions necessary for elimination of the incompatibility within one month after submission of the declaration referred to in Paragraph (1).

(3) The provisions of Paragraphs (1) and (2) shall apply save insofar as otherwise provided for in a special law.

Article 14.

(1) (Redesignated from Article 14, SG No. 26/2009, effective 31.03.2009, amended, SG No. 97/2010, effective 10.12.2010) A public office holder shall submit the declaration referred to in Item 2 of Article 12 herein within thirty days after the election or appointment thereof. In the said declaration, the person shall state the circumstances which would lead to the occurrence of a conflict of interest, such as:

1. participation in commercial corporations, in management or supervisory bodies of not-for-profit legal entities or of co-operatives, as well as carrying on business as a sole trader

at the date of election or appointment and twelve months prior to the date of election or appointment;

2. (amended, SG No. 26/2009, effective 31.03.2009) obligations assumed to credit or financial institutions, as well as to other persons, to a value exceeding BGN 5,000; the person shall state the amount and type of the obligation assumed and the creditor thereof;

3. (amended, SG No. 26/2009, effective 31.03.2009) contracts with any persons who or which carry out any activity in areas related to the decisions made by the public office holder within the range of the official powers or duties thereof;

4. (amended, SG No. 26/2009, effective 31.03.2009) particulars of any persons having close links with the public office holder, in whose activity the public office holder has a private interest; particulars of any persons having close links

5. (repealed, SG No. 26/2009, effective 31.03.2009).

(2) (New, SG No. 26/2009, effective 31.03.2009, supplemented, SG No. 97/2010, effective 10.12.2010) The person referred to in Paragraph (1) may alter the circumstances declared within one month after submission of the declaration referred to in Paragraph (1) where deficiencies or errors have to be cured.

(3) (New, SG No. 26/2009, effective 31.03.2009, amended, SG No. 97/2010, effective 10.12.2010) Upon change of the position occupied by a person who remains an obligated person under Article 3 herein, a declaration referred to in Paragraph (1) shall not be submitted.

Article 15.

A public office holder shall submit the declaration referred to in Item 3 of Article 12 herein within seven days after occurrence of the change, unless otherwise provided for in a special law.

Article 16.

(1) A public office holder shall submit the declaration referred to in Item 4 of Article 12 herein where the said office holder has a private interest in connection with an official power or duty thereof.

(2) The declaration referred to in Paragraph (1) shall be submitted prior to the commencement or during the execution of the official power or duty.

Article 17.

(1) The public office holder shall submit the declarations referred to in Article 12 herein to the electing or appointing authority or, applicable to a person referred to in Items 1 and 3 of Article 25 (2) herein, to the relevant committee.

(2) The declarations shall be published on the Internet sites of the authorities referred to in Paragraph (1) in compliance with the Personal Data Protection Act.

Article 18.

(1) The electing or appointing authorities, as well as the relevant committee referred to in Items 1 and 3 of Article 25 (2) herein, shall maintain registers of the declarations covered under Article 12 herein.

(2) The declarations shall be kept for ten years, whereafter they shall be destroyed by a commission designated by the relevant authority.

Article 18a.

(New, SG No. 97/2010, effective 1.04.2011) (1) Control over the fulfilment of the obligations covered under Articles 12 to 16 herein shall be exercised by the relevant committees referred to in Items 1 and 3 of Article 25 (2) herein and by the electing or appointing authorities.

(2) Upon non-fulfillment of the obligations specified in Paragraph (1), the committees referred to in Items 1 and 3 of Article 25 (2) herein and the electing or appointing authorities shall send an alert to the Commission for Prevention and Ascertainment of Conflict of Interest for the issuance of a penalty decree according to the procedure established by Article 43 herein.

Chapter Four

ACTIONS FOR PREVENTION OF CONFLICT OF INTEREST

Article 19.

(Amended, SG No. 26/2009, effective 31.03.2009, SG No. 97/2010, effective 1.04.2011)

(1) A public office holder shall be obligated to suspend himself or herself from the execution of the powers thereof or of an official duty where a private interest exists on a particular occasion.

(2) In case of doubt of a conflict of interest, the public office holder may, acting through the electing or appointing authority or the relevant committee referred to in Items 1 and 3 of Article 25 (2) herein, approach the Commission for Prevention and Ascertainment of Conflict of Interest with a request to ascertain whether a conflict of interest exists.

(3) Paragraphs (1) and (2) shall not apply to any public office holders where otherwise provided for in a special law.

Article 20.

(Supplemented, SG No. 26/2009, effective 31.03.2009, amended, SG No. 97/2010, effective 1.04.2011)

(1) A public office holder may alternatively be suspended on a particular occasion from the execution of the powers thereof or of an official duty by a written act by the electing or appointing authority if the said office holder has declared a private interest. Within three days, the suspended person may contest the suspension before the Commission for Prevention and Ascertainment of Conflict of Interest, which shall ascertain whether a conflict of interest exists. The Commission shall pronounce within fourteen days. .

(2) Where a state body, a body of local self-government or another body deliberates and decides any matter on which a member of the said body has declared a private interest, the said member shall not participate in the deliberation and the voting. In such cases, decisions shall be adopted by the prescribed majority of members of the body excluding the person in respect of whom a conflict of interest exists.

(3) Paragraphs (1) and (2) shall not apply to any public office holders where otherwise provided for in a special law.

Chapter Five

LIMITATIONS AFTER VACATION OF PUBLIC OFFICE

Article 20a.

(New, SG No. 97/2010, effective 10.12.2010) (1) A former public office holder, who has been released from office on the basis of an effective act whereby a conflict of interest has been ascertained, shall not have the right to occupy public office within one year after the release.

(2) The prohibition referred to in Paragraph (1) shall not apply to any office occupied on the basis of the exercise of direct suffrage.

Article 21.

(1) (Supplemented, SG No. 26/2009, effective 31.03.2009) Within one year after vacating office, any public office holder, with the exception of a person referred to in Items 1, 2, 3, 6, 11, 12 and 12 of Article 3 herein, shall not have the right to conclude employment contracts or other contracts for the fulfilment of management or control functions with any commercial corporations or co-operatives in respect of which the said office holder has performed any actions involving disposition, regulation or control or has concluded any contracts therewith during the last year of execution of the official powers or duties thereof, nor to be a partner, to hold interests or shares, to be a managing director or member of a management or supervisory body of any such commercial corporations or co-operatives.

(2) The limitations shall furthermore apply to any commercial corporations having close links with the corporations referred to in Paragraph (1).

Article 22.

(1) A public office holder who, in the last year of execution of the official powers or duties thereof, has participated in the conduct of any public procurement procedures or in any procedure related to the provision of resources from any funds belonging to the European Union or made available by the European Union to the Bulgarian State, shall not have the right to participate or to represent any natural or legal person in any such procedures before the institution wherein the said office holder held office within one year after vacating office.

(2) The prohibition of participation in public procurement procedures or in procedures related to the provision of resources from any funds belonging to the European Union or made available by the European Union to the Bulgarian State shall furthermore apply to any legal person wherein the person referred to in Paragraph (1) has become a partner, holds interests, or is a managing director or member of a management or supervisory body after vacating office.

Chapter Five AA"

(New, SG No. 97/2010)

COMMISSION FOR PREVENTION AND ASCERTAINMENT OF CONFLICT OF INTEREST

Article 22a.

(New, SG No. 97/2010, effective 1.01.2011) (1) Conflict of interest in respect of public office holders shall be ascertained by the Commission for Prevention and Ascertainment of Conflict of Interest, hereinafter referred to as "the Commission", which shall be an independent body.

(2) The Commission shall consist of five members, of whom the National Assembly shall elect three members, including a Chairperson, the President of the Republic shall appoint one member, and one member shall be elected by a decision of the Council of Ministers and shall be appointed by an order of the Prime Minister. The term of office of the Chairperson and the members of the Commission shall be five years, and they shall be limited to two full successive terms of office.

(3) The Commission shall be a legal person and a first-level spending unit with a head office in Sofia.

(4) The Commission shall be a standing body which shall be assisted by an administration.

(5) The organisation and operation of the Commission shall be determined by rules, which shall be adopted by the Commission and shall be promulgated in the State Gazette.

(6) Annually, the Commission shall lay a report on the activity performed before the National Assembly not later than the 31st day of March of the next succeeding year.

Article 22b.

(New, SG No. 97/2010, effective 1.01.2011) (1) Eligibility for membership of the Commission shall be limited to Bulgarian citizens with a permanent address in the country, who hold a degree of higher education in law and enjoy public authority.

(2) The following persons shall be ineligible for membership of the Commission:

1. any persons who have been convicted of a premeditated publicly indictable offence, regardless of the rehabilitation;
2. any persons who hold elective office in a body of state power or in a body of local self-government;
3. any persons who are members of a political party or coalition and of a trade union organisation;
4. any persons who hold elective office in a governing or control body of an occupational or professional organisation according to the judgment of court on registration;
5. any persons hired under an employment relationship or a civil-service relationship;
6. a spouse of or a de facto cohabitee with, or any lineal relatives up on any degree of consanguinity or any collateral relatives up to the fourth degree of consanguinity or any affines up to the second degree of affinity to another member of the Commission or to the Chairperson;
7. any sole traders, any unlimited partners in commercial corporations, any managing directors, any business attorneys, any commercial representatives, any managerial agents, any commercial agents, any liquidators or any trustees in bankruptcy, any member of a management or supervisory body of a commercial corporation or co-operative.

(3) The members of the Commission shall vacate the office held thereby or shall discontinue the activities incompatible with the requirements of Items 2, 4, 5 and 7 of

Paragraph (2) within one month after the election or the appointment thereof, as the case may be.

Article 22c.

(New, SG No. 97/2010, effective 1.01.2011)

(1) The credentials of the Chairperson or of a member of the Commission shall be terminated by the electing or appointing authority, as the case may be, prior to the expiration of the term of office thereof:

1. at the request of the said Chairperson or member;
2. upon inability to execute the duties thereof for more than six months;
3. upon conviction of a premeditated publicly indictable offence;
4. upon incompatibility;
5. upon entry into effect of an act whereby a conflict of interest has been ascertained;
6. upon death or interdiction.

(2) Upon death or termination of the credentials of the Chairperson or of a member of the Commission prior to the expiration of the term of office thereof, a new member shall be elected or appointed, as the case may be, within one month to serve for the remainder of the term of office.

Article 22d.

(New, SG No. 97/2010, effective 1.01.2011)

(1) Candidates shall be nominated for election as members of the Commission from the quota of the National Assembly by National Representatives.

(2) The composition of the Commission from the quota of the National Assembly may not include more than one member nominated by National Representatives of one and the same parliamentary group.

(3) The National Assembly shall elect the members of the Commission by secret ballot. The member who has garnered the most votes shall be considered Chairperson of the Commission.

Article 22e.

(New, SG No. 97/2010, effective 1.01.2011)

(1) The Chairperson and the members of the Commission shall enjoy all rights under an employment relationship except those that are in conflict or are incompatible with the legal status thereof.

(2) The members of the Commission shall receive a basic monthly remuneration equal to three average monthly wages of persons hired under an employment relationship and a civil-service relationship in the public sector according to information of the National Statistical Institute. The basic monthly remuneration shall be recalculated every quarter, taking into consideration the average monthly wage for the last month of the preceding quarter.

(3) The Chairperson of the Commission shall receive a monthly remuneration which is 20 per cent higher than the basic monthly remuneration referred to in Paragraph (2) herein.

Article 22f.

(New, SG No. 97/2010, effective 1.04.2011)

(1) The Chairperson shall represent the Commission, shall direct and organise the operation thereof and, to this end:

1. shall determine the agenda and shall convene the meetings;
2. shall publish the decisions and the activity reports on the Internet site of the Commission;
3. shall lay the annual activity report of the Commission before the National Assembly;
4. shall implement other activities as well in accordance with the tasks and functions of the Commission.

(2) When the Chairperson is absent, the Chairperson shall designate a locum tenens thereof from amongst the members of the Commission.

Article 22g.

(New, SG No. 97/2010, effective 1.04.2011)

(1) The meetings of the Commission shall be convened by the Chairperson thereof on the initiative of the said Chairperson or on a written requisition of another member of the Commission.

(2) The meetings of the Commission shall be held provided that a quorum of more than one-half of all members is present. Decisions shall be made by a majority of more than one-half of all members voting by open ballot.

(3) A verbatim record shall be kept of the meetings, wherein the deliberations and the voting of each of the members of the Commission shall be reported.

(4) The Commission shall co-operate with similar foreign and international institutions.

Article 22h.

(New, SG No. 97/2010, effective 1.04.2011)

(1) In the execution of the activity thereof, the Commission shall require and shall receive information from the bodies of state power, the bodies of local self-government, the other institutions, as well as from the legal and natural persons.

(2) The bodies and the persons referred to in Paragraph (1) shall be obligated to provide the requisite information within fourteen days after receipt of the request.

(3) The Commission shall have gratuitous access to the databases and registers of the bodies of state power and the bodies of local self-government.

Article 22i.

(New, SG No. 97/2010, effective 1.04.2011)

(1) The Commission shall keep and maintain:

1. a register of the alerts of a conflict of interest as received and of the decisions on ascertainment of a conflict of interest as issued;
2. a register of the written statements of administrative violations as drawn up and of the penalty decrees as issued.

(2) The register referred to in Item 1 of Paragraph (1) shall record the consecutive number and the date of the alert of a conflict of interest, the whistle-blower, a brief description of the alert, number, date and content of the decision.

(3) The register referred to in Item 2 of Paragraph (2) shall record the date and content of the act of ascertainment of the violation, the number and date of the penalty decree as issued, and a description of the sanction imposed.

Chapter Six

ASCERTAINMENT OF CONFLICT OF INTEREST

Article 23.

(Amended, SG No. 97/2010, effective 1.04.2011)

(1) A conflict of interest shall be ascertained on an alert submitted to the Commission for Prevention and Ascertainment of Conflict of Interest, by a decision of the Commission for Prevention and Ascertainment of Conflict of Interest or at the request of the public office holder.

(2) A conflict of interest may not be ascertained on an anonymous alert.

Article 24.

(1) Any person who possesses any data that a public office holder has violated any provision of this Act may submit an alert about a conflict of interest.

(2) Any person who possesses any data on a violation of the provisions of Articles 21 or 22 herein may submit an alert of a conflict of interest.

(3) (Amended, SG No. 97/2010, effective 1.04.2011) Where in possession of data that a public office holder has violated any provision of this Act, the electing or appointing authority or the relevant committee referred to in Items 1 and 3 of Article 25 (2) herein shall forthwith send an alert to the Commission for Prevention and Ascertainment of Conflict of Interest together with certified copies of the documents relevant to the alert.

(4) The alert, as well as the request for ascertainment of a conflict of interest, shall be submitted in writing and shall be registered.

Article 25.

(1) (Amended, SG No. 97/2010, effective 1.04.2011) Upon receipt of an alert in cases other than those referred to in Article 24 (3) herein, the Commission for Prevention and Ascertainment of Conflict of Interest shall require the requisite information and documents from the committees referred to in Items 1 and 3 of Paragraph (2) [sic, must be Items 1 and 3 of Article 25 (2) herein II TranslatorTs Note] or from the electing or appointing authority, as the case may be.

(2) (Amended, SG No. 97/2010, effective 1.04.2011) The information on the alert shall be prepared in respect of:

1. (supplemented, SG No. 26/2009, effective 31.03.2009) the President and the Vice President, the Constitutional Court judges, the National Representatives, the Prime Minister, the Deputy Prime Ministers, the Ministers, the National Ombudsman and the Deputy Ombudsman, the members of the Supreme Judicial Council, including the Presidents of the Supreme Court of Cassation and of the Supreme Administrative Court and the Chief Prosecutor, the Chief Inspector and the inspectors of the Inspectorate to the Supreme Judicial Council, the President and the members of the National Audit Office, the Governor, the Deputy Governors and the members of the Managing Board of the Bulgarian National Bank, the Governor and the Vice Governor of the National Social Security Institute, the members of bodies who are elected in whole or in part by the National Assembly: by a standing committee of the National Assembly;

2. the Deputy Ministers, the Regional Governors and the Regional Vice Governors, the single-person authorities, the deputies thereof and the members of the collegial authorities covered under Article 19 (4) of the Administration Act other than such covered under Item 1: by the Chief Inspectorate with the Council of Ministers;

3. (amended, SG No. 26/2009, effective 31.03.2009) the municipal councillors and the mayors: by a standing committee of municipal councillors;

4. the administrative heads of the judicial authorities, with the exception of the Presidents of the Supreme Court of Cassation and of the Supreme Administrative Court and the Prosecutor General, and in respect of the judges, the prosecutors and the investigating magistrates: by a commission of the Supreme Judicial Council;

5. (supplemented, SG No. 26/2009, effective 31.03.2009) the public office holders other than those covered under Items 1 to 4: by the inspectorates or by an official or officials with the electing or appointing authority.

(3) (New, SG No. 26/2009, effective 31.03.2009, amended, SG No. 97/2010, effective 1.04.2011) Information on the alert and the documents related to the alert shall be submitted within fourteen days to the Commission for Prevention and Ascertainment of Conflict of Interest.

Article 26.

(Amended, SG No. 97/2010, effective 1.04.2011) The Commission for Prevention and Ascertainment of Conflict of Interests shall collect evidence according to the procedure established by the Administrative Procedure Code, shall give the public office holder a hearing, and shall afford the said office holder an opportunity to lodge an objection.

Article 27.

(Amended and supplemented, SG No. 26/2009, effective 31.03.2009, amended, SG No. 97/2010, effective 1.04.2011)

(1) The Commission for Prevention and Ascertainment of Conflict of Interest shall pronounce by a decision within two months after institution of the proceedings under Article 23 (1) herein.

(2) By the decision referred to in Paragraph (2), the Commission shall ascertain a conflict of interest or the non-existence of a conflict of interest.

(3) The Commission shall ascertain a conflict of interest in respect of the Chairperson or a member thereof by a decision adopted unanimously by secret ballot, excluding the person in respect of whom the decision is put to the vote.

(4) The decision of the Commission shall be communicated to:

1. the person concerned;
2. the electing or appointing authority;
3. the relevant committee referred to in Item 1 or 3 of Article 25 (2) herein;
4. the district prosecution office exercising jurisdiction over the head office of the authority or the committee referred to in Item 2 or 3, as the case may be.

(5) The decision whereby a conflict of interest is ascertained may be contested by the person concerned before the court according to the procedure established by the Administrative Procedure Code.

(6) The prosecutor may lodge an appeal with the court within one month after the communication of the decision of the Commission whereby the non-existence of a conflict of interest has been ascertained.

Article 27a.

(New, SG No. 26/2009, effective 31.03.2009, amended, SG No. 97/2010, effective 1.04.2011) Any alerts about violations covered under Chapter Five herein shall be examined by the Commission for Prevention and Ascertainment of Conflict of Interest according to the procedure established by Articles 26 and 27 herein.

Article 28.

(Amended and supplemented, SG No. 26/2009, effective 31.03.2009, repealed, SG No. 97/2010, effective 1.04.2011).

Article 29.

(Repealed, SG No. 26/2009, effective 31.03.2009).

Article 30.

(Amended, SG No. 97/2010, effective 1.04.2011)

(1) Within one month after the entry into effect of a decision whereby a conflict of interest has been ascertained, the Chairperson of the Commission shall issue a penalty decree on imposition of an administrative sanction under Articles 35 and 37 herein and shall pronounce under Article 33 (2) and (3) herein. A written statement on ascertainment of administrative violation shall not be drawn up in these cases.

(2) The penalty decree referred to in Paragraph (1) shall be appealable according to the procedure established by the Administrative Violations and Sanctions Act.

Article 31.

(1) Should there be reason to believe that a criminal offence has been committed, the records shall be transmitted immediately to the prosecuting authorities.

(2) In the cases under Paragraph (1), the procedure for ascertainment of a conflict of interest shall not be stayed.

Chapter Seven

PROTECTION OF WHISTLE-BLOWERS

Article 32.

(1) A conflict of interest whistle-blower may not be persecuted solely for this reason.

(2) The persons who have been assigned to examine the alert shall be under an obligation:

1. not to disclose the identity of the whistle-blower;
2. not do make public any facts and data that have come to the knowledge thereof in connection with the examination of the alert;
3. to safeguard the written documents entrusted thereto from unauthorised access of third parties.

(3) The persons referred to in Paragraph (2) shall propose to the competent heads the taking of concrete measures to preserve the dignity of the whistle-blower, including measures to prevent any actions whereby the said whistle-blower is subjected to mental or physical harassment.

(4) A person, who has been discharged, persecuted or in respect of whom any actions leading to mental or physical harassment have been taken by reason of having submitted a request, shall have the right to compensation for the personal injury and damage to property according to a judicial procedure.

Chapter Eight

CONSEQUENCES UPON ASCERTAINMENT OF CONFLICT OF INTEREST

Article 33.

(1) (Supplemented, SG No. 26/2009, effective 31.03.2009) The violation of the law and ascertainment of a conflict of interest by an effective act shall be grounds for dismissal, unless the Constitution provides otherwise. The dismissal shall follow the procedure established in the relevant special laws.

(2) (Supplemented, SG No. 26/2009, effective 31.03.2009) The remuneration received from the legal relation or the act which has given rise to a conflict of interest for the period during which the conflict of interest has been concealed shall be forfeited to the Exchequer or the municipality.

(3) If it is ascertained that, as a result of a conflict of interest, any public office holder or any person having close links therewith has obtained a financial benefit, the cash equivalent thereof shall be awarded in favour of the State, unless subject to forfeiture on other grounds.

(4) The names of the public office holders in respect of whom a conflict of interest has been ascertained by an effective act shall be published on the Internet site of the relevant institution.

Chapter Nine

ADMINISTRATIVE PENALTY PROVISIONS

Article 34.

(1) Any public office holder, who fails to submit a declaration under Article 12 herein within the statutorily established time limit, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 3,000.

(2) Any repeated violation shall be punishable by a fine of BGN 3,000 or exceeding this amount but not exceeding BGN 5,000.

Article 35.

(1) Any public office holder, who violates any provision of Chapter Two of this Act, shall be liable to a fine of BGN 5,000 or exceeding this amount but not exceeding BGN 7,000.

(2) Any repeated violation shall be punishable by a fine of BGN 7,000 or exceeding this amount but not exceeding BGN 10,000.

Article 36.

Any public office holder, who fails to fulfil an obligation under Article 13 (2) herein, shall be liable to a fine of BGN 2,000 or exceeding this amount but not exceeding BGN 4,000.

Article 37.

Any public office holder, who fails to fulfil an obligation under Article 16 herein, shall be liable to a fine of BGN 7,000 or exceeding this amount but not exceeding BGN 10,000.

Article 38. Any person, who fails to fulfil an obligation under Article 18 (1) herein, shall be liable to a fine of BGN 2,000 or exceeding this amount but not exceeding BGN 4,000.

Article 39.

(Amended, SG No. 97/2010, effective 1.04.2011) Any person, who violates the provision of Article 20a or Article 21 herein, shall be liable to a fine of BGN 10,000 or exceeding this amount but not exceeding BGN 15,000.

Article 40.

(1) Any person, who violates the provision of Article 22 (1) herein, shall be liable to a fine of BGN 10,000 or exceeding this amount but not exceeding BGN 15,000.

(2) Any legal person, which violates the provision of Article 22 (2) herein, shall be liable to a pecuniary penalty of BGN 15,000 or exceeding this amount but not exceeding this amount but not exceeding BGN 20,000.

Article 41.

(1) (Amended, SG No. 97/2010, effective 1.04.2011) Any person, who fails to fulfil an obligation under Article 32 (2) herein, shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 3,000..

(2) (Amended, SG No. 97/2010, effective 1.04.2011) Any repeated violation shall be punishable by a fine of BGN 3,000 or exceeding this amount but not exceeding BGN 5,000.

Article 42.

The fines and, respectively, the pecuniary penalties, shall be credited in revenue to the executive budget.

Article 43.

(Amended, SG No. 97/2010, effective 1.04.2011)

(1) The administrative sanction referred to in Articles 34, 36, 38, 39, 40 and 41 herein shall be imposed on a public office holder by the Chairperson of the Commission for Prevention and Ascertainment of Conflict of Interest by a penalty decree. The administrative violation shall be ascertained by an official designated by the Chairperson.

(2) The penalty decree referred to in Paragraph (1) shall be appealable according to the procedure established by the Administrative Violations and Sanctions Act.

Article 43a.

(New, SG No. 26/2009, effective 31.03.2009, repealed, SG No. 97/2010, effective 1.04.2011).

SUPPLEMENTARY PROVISION

§ 1. Within the meaning given by this Act:

1. (Amended, SG No. 26/2009, effective 31.03.2009) "Close links" shall exist between persons who are spouses or de facto cohabitantes, lineal relatives, collateral relatives up to the fourth degree of consanguinity, and affines up to the second degree of affinity, as well as between a public office holder and any natural and legal persons wherewith the said office holder is in economic or political dependencies which give rise to reasonable doubts about the impartiality and objectivity of the said office holder.

2. "Appointing authority" shall, inter alia, be the employer within the meaning given by Item 1 of § 1 of the Supplementary Provisions of the Labour Code.

3. "Repeated violation" shall be any violation committed within one year after the entry into effect of a penalty decree or a judgment of court whereby a sanction was imposed on the offender for a violation of the same type.

TRANSITIONAL AND FINAL PROVISIONS

§ 2. (1) (Amended, SG No. 10/2009, effective 31.01.2009)

(1) (Previous text of § 2, supplemented, SG No. 26/2009, effective 31.03.2009) Within three months after the entry into force of this Act, the public office holders shall submit the declaration referred to in Item 2 of Article 12 herein. The circumstances stated in the declaration shall be declared as at the date of entry into force of this Act, and the circumstances under Item 2 of the said declaration shall be declared as at a date preceding the entry into force of this Act by one year.

(2) (New, SG No. 26/2009, effective 31.03.2009) The persons referred to in Paragraph (1) may alter the circumstances declared within one month after expiry of the time limit referred to in Paragraph (1).

§ 3. (Effective 31.10.2008, SG No. 94/2008, amended, SG No. 10/2009, effective 31.12.2008) Within four months after the promulgation of this Act in the State Gazette, the central-government and local authorities indicated in this Act shall establish the structures or shall appoint an official under Article 25 (2) herein.

§ 4. (Effective 31.10.2008, SG No. 94/2008, amended, SG No. 10/2009, effective 31.12.2008) Within four months after the promulgation of this Act in the State Gazette, the Council of Ministers shall lay before the National Assembly drafts of laws to amend and supplement the laws whereof the provisions must be brought into conformity with this Act.

§ 5. The Public Disclosure of Senior Public Officials' Financial Interests Act (promulgated in the State Gazette No. 38 of 2000; amended in Nos. 28 and 74 of 2002, No. 8 of 2003, No. 38 of 2004, No. 105 of 2005, Nos. 38 and 73 of 2006, No. 109 of 2007, Nos. 33 and 69 of 2008) shall be amended and supplemented as follows:

1. In Article 2 (1), Item 18 shall be repealed.
2. In Item 5 of Article 3 (1), the figure "500" shall be replaced by "2,000".
3. In Article 4 (4) at the end, there shall be added "not later than the 30th day of April of the current year".
4. In Article 8 (1), after the word "declaration" there shall be inserted "or notification, as the case may be".

§ 6. The Administrative Procedure Code (promulgated in the State Gazette No. 30 of 2006; amended in Nos. 59 and 64 of 2007) shall be amended as follows:

1. In Article 250, Paragraph (2) shall be repealed.
2. In Article 251, Paragraph (2) shall be repealed.
3. In Article 252:
 - (a) in Paragraph (2), the words "as well as upon a motion for ascertainment of a conflict of interest" shall be deleted;
 - (b) in Paragraph (3), the words "and, respectively, whether a conflict of interest exists" shall be deleted.
4. In Article 253, Paragraph (3) shall be repealed.
5. In Article 254 (1), the words "or, respectively, by the civil servant" shall be deleted.

§ 7. The Administration Act (promulgated in the State Gazette No. 130 of 1998; modified by Constitutional Court Judgment No. 2 of 1999, promulgated in No. 8 of 1999; amended in No. 67 of 1999, Nos. 64 and 81 of 2000, No. 99 of 2001; corrected in No. 101 of 2001; amended in No. 95 of 2003, No. 19 of 2005, Nos. 24, 30, 69 and 102 of 2006, Nos. 46 and 78 of 2007 and No. 43 of 2008) shall be amended and supplemented as follows:

1. In Article 19:
 - (a) Paragraph (6) shall be amended to read as follows:

"(6) The Prime Minister, the Deputy Prime Ministers, the Ministers, the Deputy Ministers, the single-person authorities, the deputies thereof and the members of the collegial authorities covered under Article 19 (4) herein, the Regional Governors and the Regional Vice Governors may not:

 1. hold another public office;
 2. carry on business or be managing directors, business attorneys, commercial agents, managerial agents, brokers, liquidators or trustees in bankruptcy;
 3. be members of a management of supervisory body of any not-for-profit legal entity, commercial corporation or co-operative;

4. practise a liberal profession, with the exception of research or teaching or exercise of copyrights and neighbouring rights.";

(b) there shall be inserted a new Paragraph (7) to read as follows:

"(7) The Deputy Ministers, the single-person authorities, the deputies thereof and the members of the collegial authorities covered under Article 19 (4) herein may represent the State or the municipality on the management or supervisory bodies of any commercial corporations wherein the State or a municipal holds an interest in the capital or of any legal persons established by a law, for which they shall not receive any compensation.";

(c) the existing Paragraph (7) shall be renumbered to become Paragraph (8).

2. In Article 46:

(a) in Paragraph (2):

(aa) in Item 3 at the end, there shall be added "and of the Conflict of Interest Prevention and Disclosure Act";

(bb) there shall be inserted a new Item 5 to read as follows:

"5. exercise control and carry out examinations under the Conflict of Interest Prevention and Disclosure Act; "

(cc) the existing Item 5 shall be renumbered to become Item 6;

(b) in Paragraph (5), after the words "Paragraph (4), the comma and the words "as well as those which have local units, may" shall be deleted.

3. In Item 3 of Article 46a (2), the words "shall examine alerts of a conflict of interest received and" shall be replaced by "shall exercise control and shall carry out examinations under the Conflict of Interest Prevention and Disclosure Act, as well as for".

4. In Article 46b:

(a) there shall be inserted a new Paragraph (3) to read as follows:

"(3) Upon conduct of the examinations, the inspectorates and the employees referred to in Article 46 (5) herein shall have the right to require information from the central-government and local authorities, the judicial authorities and other institutions.";

(b) the existing Paragraphs (3) and (4) shall be renumbered to become Paragraphs (4) and (5), respectively.

§ 8. The Labour Code (promulgated in the State Gazette Nos. 26 and 27 of 1986; amended and supplemented in No. 6 of 1988, Nos. 21, 30 and 94 of 1990, Nos. 27, 32 and 104 of 1991, Nos. 23, 26, 88 and 100 of 1992; modified by Constitutional Court Judgment No. 12 of 1995, promulgated in No. 69 of 1995; amended in No. 87 of 1995, Nos. 2, 12 and 28 of 1996, No. 124 of 1997, No. 22 of 1998; modified by Constitutional Court Judgment No. 11 of 1998, promulgated in No. 52 of 1998; amended in Nos. 56, 83, 108 and 133 of 1998, Nos. 51, 67 and 110 of 1999, No. 25 of 2001, Nos. 1, 105 and 120 of 2002, Nos. 18, 86 and 95 of 2003, No. 52 of 2004, Nos. 19, 27, 46, 76, 83 and 105 of 2005, Nos. 24, 30, 48, 57, 68, 75, 102 and 105 of 2006, Nos. 40, 46, 59, 64 and 104 of 2007 and No. 43 of 2008) shall be amended and supplemented as follows:

1. In Article 107a:

(a) in Paragraph (1):

(aa) in Item 1, after the word "spouse" there shall be inserted "with a de facto cohabitee" and there shall be placed a comma;

(bb) Item 2 shall be amended to read as follows:

"2. is a sole trader, an unlimited partner in a commercial corporation, a managing director, a business attorney, a commercial agent, a managerial agent, a broker, a liquidator or a trustee in bankruptcy, a member of a management or supervisory body of a commercial corporation or co-operative; "

(b) there shall be inserted new Paragraphs (2), (3) and (4) to read as follows:

"(2) The office worker may represent the State or a municipality on the management or supervisory bodies of any commercial corporations wherein the State or a municipality holds an interest in the capital or of any legal persons established by a law, for which the said office worker shall not receive any compensation.

(3) Upon conclusion of the employment contract, the person shall sign a declaration of the circumstances referred to in Paragraph (1).

(4) Upon conclusion of the employment contract and annually not later than the 31st day of March, the office worker shall be obligated to declare the property status thereof to the person referred to in Paragraph (5).";

(c) the existing Paragraphs (2), (3), (4), (5), (6) and (7) shall be renumbered to become Paragraphs (5), (6), (7), (8), (9) and (10), respectively.

2. In Article 330 (2), there shall be added an Item 9 to read as follows:

"9. a conflict of interest has been ascertained by an effective act under the Conflict of Interest Prevention and Disclosure Act."

§ 9. The Civil Servants Act (promulgated in the State Gazette No. 67 of 1999; amended in No. 1 of 2000, Nos. 25, 99 and 110 of 2001, No. 45 of 2002, No. 95 of 2003, No. 70 of 2004, No. 19 of 2005, Nos. 24, 30 and 102 of 2006, Nos. 59 and 64 of 2007 and No. 43 of 2008) shall be amended and supplemented as follows:

1. In Article 7 (2):

(a) in Item 1, after the word "spouse" there shall be inserted "de facto cohabitee" and there shall be placed a comma;

(b) Item 2 shall be amended to read as follows:

"2. is a sole trader, an unlimited partner in a commercial corporation, a managing director, a business attorney, a commercial agent, a managerial agent, a broker, a liquidator or a trustee in bankruptcy, a member of a management or supervisory body of a commercial corporation or co-operative;"

(c) there shall be inserted a new Paragraph (3) to read as follows:

"(3) A civil servant may represent the State or a municipality on the management or supervisory bodies of any commercial corporations wherein the State or a municipality holds an interest in the capital or of any legal persons established by a law, for which the said civil servant shall not receive any compensation.";

(d) the existing Paragraphs (3), (4) and (5) shall be renumbered to become Paragraphs (4), (5) and (6), respectively.

2. Article 29a shall be repealed.

3. In Article 91, Paragraph (2) shall be repealed.

4. In Article 107 (1), there shall be added an Item 8 to read as follows:

"8. a conflict of interest has been ascertained by an effective act under the Conflict of Interest Prevention and Disclosure Act."

5. § 1 of the Supplementary Provision shall be repealed.

§ 10. The State Agency for National Security Act (promulgated in the State Gazette No. 109 of 2007, amended in No. 69 of 2008) shall be amended as follows:

1. In Article 51, Paragraph (1) shall be amended to read as follows:

"(1) Following the procedure established by the Conflict of Interest Prevention and Disclosure Act, the civil servants shall be obligated to declare any private interest which they have in connection with the functions of the structural unit wherein they work."

2. In Item 2 of § 1 of the Supplementary Provisions, the words "§ 1 of the Supplementary Provision of the Civil Servants Act" shall be replaced by "Item 1 of § 1 of the Supplementary Provision of the Conflict of Interest Prevention and Disclosure Act".

§ 11. The Ministry of Interior Act (promulgated in the State Gazette No. 17 of 2006; amended in Nos. 30, 102 and 105 of 2006, Nos. 11, 31, 41, 46, 57, 64 and 109 of 2007 and Nos. 28, 43 and 69 of 2008) shall be amended as follows:

1. In Article 178, Paragraph (1) shall be amended to read as follows:

"(1) Following the procedure established by the Conflict of Interest Prevention and Disclosure Act, the civil servants shall be obligated to declare any private interest which they have in connection with the functions of the structural unit wherein they work."

2. In Item 14 of § 1 of the Supplementary Provisions, the words "§ 1 of the Supplementary Provision of the Civil Servants Act" shall be replaced by "Item 1 of § 1 of the Supplementary Provision of the Conflict of Interest Prevention and Disclosure Act".

§ 12. The Public Procurement Act (promulgated in the State Gazette No. 28 of 2004; amended in No. 53 of 2004, Nos. 31, 34 and 105 of 2005, Nos. 18, 33, 37 and 79 of 2006 and No. 59 of 2007) shall be amended and supplemented as follows:

1. In Article 35 (1), there shall be added an Item 3 to read as follows:

"3. have no private interest, within the meaning given by the Conflict of Interest Prevention and Disclosure Act, in the award of the public procurement."

2. In Article 47, Paragraph (5) shall be amended to read as follows:

"(5) The following candidates or tenderers may not participate in a public procurement award procedure:

whereof any member of a management or supervisory body, as well as any interim holder of such office, including any managerial agent or business attorney, is a person having close links, within the meaning given by Item 1 of § 1 of the Supplementary Provision of the Conflict of Interest Prevention and Disclosure Act, with the contracting authority or with any holders of a position of responsibility at the organisation of the said contracting authority;

2. who have concluded a contract with any person referred to in Article 21 or 22 of the Conflict of Interest Prevention and Disclosure Act."

§ 13. In the Commercial Register Act (promulgated in the State Gazette No. 34 of 2006; amended in Nos. 80 and 105 of 2006, Nos. 53, 59 and 104 of 2007, No. 50 of 2008), Paragraph (4) in Article 20 shall be repealed.

§ 14. This Act shall enter into force on the 1st day of January 2009 with the exception of § 3 and 4, which shall enter into force on the day of promulgation of the Act in the State Gazette.

This Act was passed by the 40th National Assembly on the 16th day of October 2008 and the Official Seal of the National Assembly has been affixed thereto.

Act to Amend the Conflict of Interest Prevention and Disclosure Act
(SG No. 10/2009)

FINAL PROVISION

§ 2. Item 1 of § 1 herein shall enter into force on the 31st day of January 2009, and Items 2 and 3 of § 1 herein shall enter into force on the 31st day of December 2008.

Act to Amend and Supplement the Conflict of Interest Prevention and Disclosure Act
(SG No. 26/2009, effective 31.03.2009)

TRANSITIONAL AND FINAL PROVISIONS

§ 18. (1) Any public office holder, who has failed to submit the declaration referred to in Item 2 of Article 12 of the Conflict of Interest Prevention and Disclosure Act within the time limit referred to in § 2 of the Transitional and Final Provisions of the Conflict of Interest Prevention and Disclosure Act, shall submit the said declaration within one month after the entry into force of this Act. The circumstances stated in the declaration shall be declared as at the date of entry into force of this Act, and the circumstances under Item 2 of the said declaration shall be declared as at a date preceding the entry into force of this Act by one year.

(2) The person referred to in Paragraph (1) may alter the circumstances declared within one month after expiry of the time limit referred to in Paragraph (1).

§ 19. (1) Any public office holder, who has submitted a declaration referred to in Item 2 of Article 12 of the Conflict of Interest Prevention and Disclosure Act prior to the entry into force of this Act, may withdraw the said declaration and may submit a new declaration within one month after the entry into force of this Act.

§ 20. Any proceedings for ascertainment of a conflict of interest under Article 251 (2) of the Administrative Procedure Code as repealed, pending at the 1st day of January 2009, shall be concluded according to the hitherto effective procedure.

.....
Act to Amend and Supplement the Conflict of Interest Prevention and Disclosure Act
(SG No. 97/2010, effective 10.12.2010)

TRANSITIONAL AND FINAL PROVISIONS

§ 24. (1) Within three months after the entry into force of this Act, the persons referred to in Item 25 of Article 3 [of the Conflict of Interest Prevention and Ascertainment Act] who have occupied public office since the 30th day of March 2009 shall submit a declaration referred to in Item 2 of Article 12 [of the Conflict of Interest Prevention and Ascertainment Act]. The circumstances under Items 1, 3, 4 and 5 [of the declaration] shall be declared as at the date of entry into force of this Act, and the circumstances under Item 2 shall be declared for a period of one year prior to the entry thereof into force. Ascertainment Act], who submitted a declaration referred to in Item 2 of Article 12 [of the Conflict of Interest Prevention and Ascertainment Act] by the 31st day of March 2009

and in respect of whom a change in the declared circumstances occurred within the period commencing on the 31st day of March 2009 and ending with the entry into force of this Act, shall submit a declaration referred to in Item 3 of Article 12 [of the Conflict of Interest Prevention and Ascertainment Act] within three months after the entry into force of this Act.

(3) Any proceedings instituted until the 1st day of April 2011 shall be completed according to the hitherto effective procedure.

§ 25. (1) The composition of the Commission during the first term of office shall rotate after the lapse of two and a half years by replacement of one member from the quota of the National Assembly and of one member from the quota of the President and of the Council of Ministers.

(2) The member from the quota of the National Assembly shall be determined by lot. The Chairperson of the Commission shall be excluded from the lot.

.....
§ 61. This Act shall enter into force as from the day of promulgation thereof in the State Gazette with the exception of:

1. § 11 herein regarding Articles 22a to 22e [of the Conflict of Interest Prevention and Ascertainment Act], which shall enter into force as from the 1st day of January 2011;
2. § 7, § 8, § 9, § 11 herein regarding Articles 22f to 22i [of the Conflict of Interest Prevention and Ascertainment Act] and § 12, § 13, § 14, § 15, § 16, § 17, § 18, § 19, § 20, § 21, § 22 and § 23 herein, which shall enter into force as from the 1st day of April 2011.

**Annex
to Item 2 of Article 12**

(Amended and supplemented, SG No. 26/2009, effective 31.03.2009) DECLARATION under Item 2 of Article 12 in Reference to Article 14 of the Conflict of Interest Prevention and Disclosure Act

The undersigned

(forename, patronymic and surname)
in my capacity as public office holder:

.....
(state institution and office held)

DO HEREBY DECLARE that:

1. At the date of my election / appointment to the office:

I participate in the following commercial corporations

(state business name of commercial corporation and person's participating interest or shareholding):

.....
.....
.....

I carry on business as a sole trader in the following fields

(state business name and objects):

.....
.....
.....

.....
I am a managing director or member of a management or supervisory body of the following not-for-profit legal entities, commercial corporations or co-operatives:
.....

.....
.....
2. Twelve months prior to the date of my election / appointment to the office:

I participated in the following commercial corporations
(state business name of commercial corporation):
.....
.....
.....

I carried on business as a sole trader in the following fields
(state business name and objects):
.....
.....

I was managing director or member of a management or supervisory body of the
following not-for-profit legal entities, commercial corporations or co-operatives:
.....
.....
.....

3. I have assumed the following obligations to credit or financial institutions, as well as to
other persons, to a value exceeding BGN 5,000
(state amount and type of obligation assumed and creditor):
.....
.....
.....

4. I have concluded contracts with the following persons who or which carry out an
activity in areas related to the decisions made within the range of my official powers or
duties.
.....
.....
.....

5. I have a private interest in the activity of the persons having close links with me within
the meaning given by Item 1 of § 1 of the Supplementary Provision of the Conflict of
Interest Prevention and Disclosure Act,
.....
.....
.....

.....
Note. Any persons, who are public office holders at the 31st day of March 2009, shall declare the circumstances under Items 1, 3, 4 and 5 as at the 31st day of March 2009 and the circumstances under Item 2 as at the 31st day of March 2008.

Date:

Declarant:

ANSWERS FROM THE CHECK LIST

Paragraph 4 of article 7

4. Each State Party shall, in accordance with the fundamental principles of its domestic law, endeavour to adopt, maintain and strengthen **systems that promote transparency and prevent conflicts of interest.**

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

(Y) Yes

Please cite, summarize and attach the applicable policy(ies) or measure(s):

Please cite the text(s)

With regard to this provision the Law on Prevention and Ascertainment of Conflict of Interest (LPACI) applies.

Certain activities are banned in the performance of public officials in order to avoid conflicts of interest as well as an obligation to declare the incompatibility and the private interests of public office holders. The law imposes specific actions (duties) of public office holders in order to prevent conflicts of interest, as well as procedures to identify conflicts of interest. The law determines the rules for whistleblowers' protection and regulates the penalties for conflict of interest, and administrative penalties for its violation. In additional provisions the term penalties for conflict of interest, and administrative penalties for its violation. In additional provisions the term "connectivity of persons" is defined.

According to Chapter Two "Prohibitions upon execution of public office", Articles 6-11 of LPACI:

A public office holder may not represent the State or a municipality in the cases where the said office holder has a private interest in the taking of a particular decision.

A public office holder shall not have the right, in the execution of the duties thereof, to vote in a private interest.

He or she shall not have the right to use the official status thereof in order to exert influence in a private interest on other authorities or persons in the preparation, adoption, issuance or rendition of any acts or in the fulfillment of any control or investigating functions .

A public office holder shall not have the right to participate in the preparation, discussion, adoption, issuance or rendition of any acts, to fulfill any control or investigating functions or to impose any sanctions in a private interest. Any such person shall not have the right to conclude any contracts or to perform any other activities in a private interest upon execution of the official powers or duties thereof.

A public office holder shall not have the right to dispose of any state or public property, to spend any on-budget or off-budget resources, including resources from funds belonging to the European Union or made available by the European Union to the Bulgarian State, to issue any certificates, authorization or licences, or to exercise control over any such activities in the interest of any not-for-profit legal entities, commercial corporations or co-operatives wherein the said office holder or any persons having close links therewith are members of a management or supervisory body, managing directors, partners, or holders of interests or shares.

A public office holder shall furthermore not have the right to perform any activities mentioned in the previous paragraph in the interest of any not-for-profit legal entities, commercial corporations or co-operatives wherein the said office holder has been a member of a management or supervisory body, a managing director, a partner or a holder of interests or shares twelve months prior to the date of election or appointment of the said office holder or for the duration of holding office.

A public office holder shall not have the right to use or to authorise the use in a private interest of any information obtained in the execution of the official powers or duties thereof, for the duration of holding office and one year after vacating office, unless otherwise provided for in a special law.

A public office holder shall not have the right to engage in consulting activity in respect of any persons who are interested in the acts of the said office holder issued in implementation of the official powers or duties thereof.

A public office holder shall not have the right to grant consent or to use the official status thereof for commercial advertising.

Last but not least, further to the requirements of Chapter III of the act, the legislator has provided a system of declarations, to be filed by public office holders. That system of declarations complies with the requirement of art. 8, para. 5 of the Convention.

The public office holders, mentioned above have the obligation to submit the following declarations:

1. A declaration of incompatibility, by which the public office holder declares that is not holding any other office and/or performing any activity which, according to the Constitution or a special law, is incompatible with his/her status. The public office holder is obliged to submit this declaration within seven days after the election or appointment thereof. Where such incompatibility is present, the person should take the actions necessary for elimination of the incompatibility within one month after submission of the declaration.

2. A declaration of private interests which has to be submitted within 30 days after the election or appointment thereof. In this declaration, the person declares the circumstances which would lead to the occurrence of a conflict of interest, such as:

- 2.1. participation in commercial corporations, in management or supervisory bodies of not-for-profit legal entities or of co-operatives, as well as carrying on business as a sole trader at the date of election or appointment and twelve months prior to the date of election or appointment;

- 2.2. obligations assumed to credit or financial institutions, as well as to other persons, to a value exceeding BGN 5,000; the person shall state the amount and type of the obligation assumed and the creditor thereof;

2.3. contracts with any persons who or which carry out any activity in areas related to the decisions made by the public office holder within the range of the official powers or duties thereof;

2.4. particulars of any persons having close links with the public office holder, in whose activity the public office holder has a private interest; particulars of any persons having close links.

3. A declaration of occurrence of a change in the circumstances referred to in Declaration 1 and Declaration 2 which has to be submitted within 7 days after occurrence of the change.

4. A declaration of a private interest on a particular occasion which has to be submitted when the public office holder has a private interest in connection with an official power or duty thereof.

The public office holder submit these four declarations to the electing/appointing authority or to the relevant parliamentary or municipal standing committee established under the provisions of the LPACI. The declarations are published on the Internet sites of the authorities mentioned above in compliance with the Personal Data Protection Act <apis://ANGL|40144|0||>. Upon non-fulfillment of this obligation the committees and the electing/appointing authorities should send an alert to the Commission for Prevention and Ascertainment of Conflict of Interest for the issuance of a penalty decree.

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review (e.g. legislative or other measures governing incompatibilities of public functions or of public-private functions, etc.)

From the date of entering into force of LPACI (01.01.2009) to the date of establishing CPACI (01.04.2011), conflicts of interest cases were ascertained by different bodies, specifically entrusted with obligations under the LPACI. These were - special committees to Municipal Councils, inspectorates to the various ministries, committee to the National Assembly or persons appointed by the employer.

That legal mechanism was amended in 2011 by establishing an independent, permanently standing state body, which is the only competent not only for establishment of conflicts of interest, but also to conduct the state policy of prevention of conflict of interest. By that legal solution, the legislator united all competences into one body, and achieved a higher level of expertise and competence.

Since its constitution, for the period of about 8 months of working, the commission has taken about 40 decisions.

The chairman has issued 7 penal decrees for administrative violations of LPACI.

Further to its competences in the field of prevention, the commission has issued about 30 statements and answers of questions filed by the citizens.

Have you ever assessed the effectiveness of the measures adopted to promote transparency and prevent conflicts of interest?

(Y) Yes

Since its establishment as a state body, the Commission is a part of the European Commission Cooperation and Verification Mechanism for Bulgaria and Romania.

Based on that, in December 2011, experts to the European Commission made a visit in connection with the interim report in February 2012. The experts were acquainted with the way the commission works, with its proceedings and some of its decisions and signals were commented.

The assessment of the work of CPACI in the interim report of the European Commission to the European Parliament and the Council is as follows:

“The Commission for the prevention and detection of conflict of interest set up in June 2011 is now operational.

It has received 146 signals and issued 25 decisions, with conflict of interest established in 12 cases. Its ability to have a dissuasive impact will depend inter alia on the number of cases concluded, its capacity to pursue conflict of interest in a pro-active manner and its ability to deliver sound and well motivated decisions in sensitive cases.

Effective measures against conflict of interest also require unitary practice regarding the publication of conflict of interest declarations by different administrative bodies, and a streamlined legal basis for the Conflict of Interest

Commission regarding sanctions and statutes of limitation.”