

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

ARTICLE 8, PARAGRAPH 4 UNCAC

REPORTING ON ACTS OF CORRUPTION

BULGARIA (THIRD MEETING)

Paragraph 4 of article 8

4. Each State Party shall also consider, in accordance with the fundamental principles of its domestic law, establishing measures and systems to **facilitate the reporting by public officials of acts of corruption** to appropriate authorities, when such acts come to their notice in the performance of their functions.

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

(Y) Yes

Please cite the text(s)

This issue is regulated by different pieces of legislation in Bulgaria. More specifically, Article 8, paragraph 1, of the Code for the conduct of the employees in the state administration obliges public officials to oppose corruption acts and other unlawful acts in the state administration. The text creates obligation for “reporting” upon suspicion for crimes falling within the scope of UNCAC. There is no superiority of the loyalty obligation over this one. The provision of Article 205 of the Penal Procedure Code should also be taken into consideration, as it stipulates that citizens and officials are obliged to inform competent institutions in case they became aware of a committed crime of general nature.

Moreover, the Law for the civil servant stipulates that the inspectors are carrying out the so-called “Alert function”, according to which they are obliged to notify the prosecution for violations, and provide them with data about committed crime or other violation of law (Article 132).

Similar rules with regard to the employees are contained in the relevant provisions of the Labour Code (Articles 403, 406 and 407). Overall control of the observance of labour legislation in all sectors and activities is exercised by the Executive Agency "Chief labour inspectorate" to the Minister of Labour and Social Policy. When the controlling bodies establish violations involving data of a criminal offence or other violations of the law, they must inform the public prosecutor's office.

The procedure for admission and examinations of signals made by citizens and organizations to the administrative bodies, as well as to other bodies, which carry out public and legal functions are laid down in the Administrative Procedure Code (Articles 1, 107 et seq. and 119 et seq.). Organization of the work with the proposals and the signals

is determined in the structural regulations of the bodies. The signals shall be filed to the bodies, which directly manage and control the bodies and the official, whose unlawful or inexpedient actions or inactions is announced for. Anonymous signals shall not be taken in notice by the relevant bodies. The decision upon the signal shall be taken no later than within a two months period after its receipt. If there is sufficient evidence that a crime has been committed, the competent authority referred with the signal shall immediately inform the prosecutor's office.

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If needed, exact data on that practice could be requested from the respective Inspectorates to the different ministries and other public bodies.

Have you ever assessed the effectiveness of the measures adopted to to facilitate the reporting by public officials of acts of corruption which have come to their notice in the performance of their functions?

(Y) Yes