



**TRANSPARENCY
INTERNATIONAL
BULGARIA**

17 ANTICORRUPTION COMMITMENTS FOR ELECTIONS 2017 IN BULGARIA

**Sofia
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BULGARIA IN THE GROUP OF COUNTRIES LAGGING BEHIND IN ANTICORRUPTION – HOW LONG?

- 🇧🇬 28 years after the beginning of the transition of Bulgaria towards democracy and free market economy, corruption continues to be in the focus of public discontent and Bulgaria is an invariable part of the group of countries where the standards for transparency and integrity in the political, public and economic spheres are far behind the leading world and European standards.
- 🌐 In the last 18 years Transparency International – Bulgaria has informed the politicians, media and the general public of the unsatisfying results the country has been receiving in several international rankings. The Corruption Perceptions Index (the leading TI international research, focusing attention on the level of corruption in public institutions in more than 180 nations) clearly shows lack of progress in this sphere – during most of the studied period the index for Bulgaria varies around the same rates that are significantly lower than the average values of the index for EU countries. Bulgaria has ‘traditionally’ been last among the EU countries in the ranking.
- 🌐 The other significant international TI research – the Global Corruption Barometer – completes the information regarding the overall corruption climate in the country. Despite efforts for reform and anticorruption, the standards for transparent, accountable and open governance cannot be achieved.
- 🌐 Today Transparency International – Bulgaria puts in public focus a series of questions to which it is high time that the political class offers clear answers.

Politics and Corruption

„DIRTY MONEY” AND “BLACK FUNDS” IN POLITICS - HOW LONG?

Up-to-date reports of the Council of Europe, Organization for Security and Co-operation in Europe, the European Commission and Transparency International illustrate that Bulgaria has the necessary legislation that in its basic parameters complies with the standards for political activity funding. Yet, the application of the law demonstrates the gap between regulation and its use in real life. One of the most significant repercussions of the unsanctioned flow of money with unclear sources in politics is the danger of corruption of the political parties that are the basic tool for interest representation of different groups of society in governance, as well as the danger of institutional discredit.

TRANSPARENCY INTERNATIONAL-BULGARIA CALLS ON THE POLITICAL PARTIES TO COMMIT TO:

Specific recommendations for legislative changes that would enable effective investigation and sanctioning of illegal financing of political parties and election campaigns and curbing of subsequent practices of political patronage through:

- A1.** Inspections for correspondence between the financial reports and the actual amount of funds that have been used by the political parties
- A2.** Real-time oversight over election campaign expenditure

LOBBYING IN THE DARK AND WITHOUT REGULATION – HOW LONG?

🇧🇬 28 years after the beginning of the transition of Bulgaria towards democracy and free market economy the connections between money and politics remain elusive for the Bulgarian public. Lack of regulation that would enable businesses and organized groups to legitimately defend their interests, leads to legislation and regulation that are approved after behind the scenes pressure and in contrary to public interest. Despite the array of recommendations, analysis and discussions, according to TI's research, the Global Corruption Barometer, 59% of Bulgarians believe the governance of the country is under the influence of several powerful entities that operate for their own interests. Bulgaria remains one of the few European countries without regulation in this sphere.

🌐 TRANSPARENCY INTERNATIONAL-BULGARIA CALLS ON THE POLITICAL PARTIES TO COMMIT TO:

Shedding light on lobbying activities in Bulgaria by:

A3. Adopting as a leading standard the following definition for lobbying activities: „A lobbying activity is any direct or indirect communication, or direct or indirect contact, with or without remuneration, with a person who occupies a public office in a central or local government institution, that are aimed at influencing the process of decision-making”.

A4. Creation of a publically accessible register of lobbyists that has the following mandatory characteristics: 1) information regarding the persons that undertake

lobbying activities; 2) the institutions and persons that are targeted by lobbying activities; 3) the nature of the lobbying activity; 4) financial resources for the lobbying activities; 5) applied documents.

A5. Create or empower an institution that has clear functions and oversight over the application of the regulation and sanctioning of misconduct.

A6. Introduce the term „legislative footprint“- an obligation for all institutions that have the competence to submit bills to publically provide information for contacts with all interested parties in the process of the preparation of the bill.

A7. Create in the National Assembly a Public register for all organizations that submit written opinions on bills in parliamentary committees. The Register should contain information regarding the organizations name and address, members of the board, spheres of experience and interests that it represents.

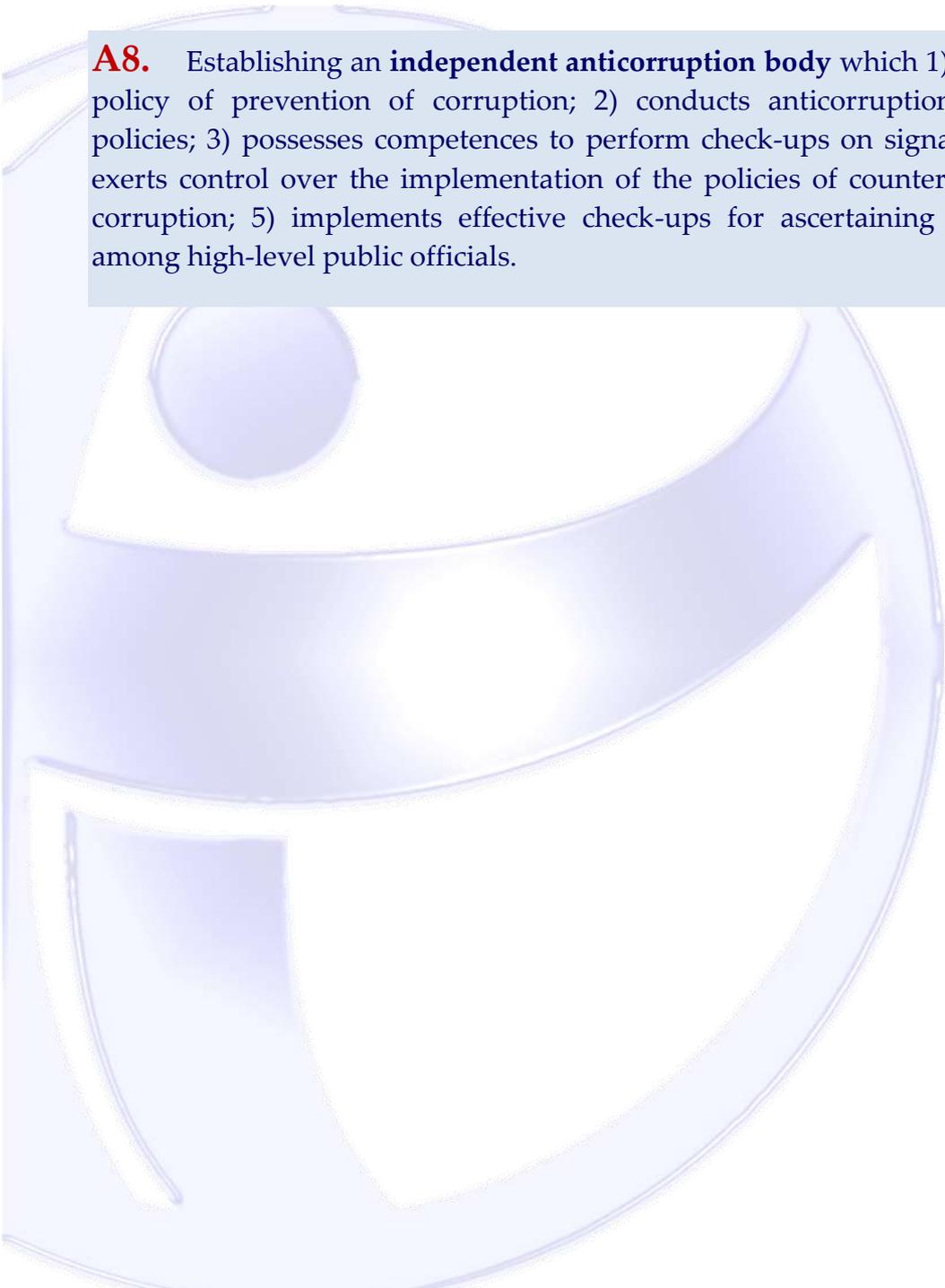
Institutions and Corruption

ANTICORRUPTION – A REFERENCE FOR EVERYONE AND RESPONSIBILITY OF NO ONE - HOW LONG?

 In the past years, a number of institutions were established, competent with various functions and responsibilities to counteract corruption. Among those were the Centre for Prevention and Counteraction to Corruption and Organized Crime (BORKOR) at the Ministerial Council, administrative inspectorates, the Commission for Prevention and Ascertainment of Conflict of Interest, the National Agency “State Security” and others. None of these institutions however is entirely independent and has not been awarded investigative and sanctioning functions in corruption cases, which significantly limits the freedom of action of the respective structures. As regards the specific bodies for prevention of corruption, an independent external oversight mechanism is still not in place. Despite a number of established units and structures, overlapping of mandates can be observed and the lack of an independent coordination body. Experience shows that the fragmentary approach cannot lead to an effective model of formulation and implementation of policies for counteraction of corruption, as well as of investigation and sanctioning of corruption cases. The existing limited capacity for monitoring and control over the implementation of existing action plans, as well as risk analysis, put the overall effectiveness of the measures into question.

 **TRANSPARENCY INTERNATIONAL-BULGARIA CALLS ON THE POLITICAL PARTIES TO COMMIT TO:**

Implementation of a uniform policy, applicable to all public authorities through:



A8. Establishing an **independent anticorruption body** which 1) implements a state policy of prevention of corruption; 2) conducts anticorruption audit of sectoral policies; 3) possesses competences to perform check-ups on signals of corruption; 4) exerts control over the implementation of the policies of counteraction and limiting corruption; 5) implements effective check-ups for ascertaining conflict of interest among high-level public officials.

NON-TRANSPARENT HIGH-LEVEL PUBLIC APPOINTMENTS – HOW LONG?

🇷🇺 Governmental changes in the central or local authorities are related to appointments and dismissals, who are often motivated by political considerations and not a functional analysis of the needs and the effectiveness of the administrative structures. In addition, the practice continues of appointment of individuals on managerial positions without procedures of transparency of nominations, competitive assessment and public discussion of nominations. This leads to ineffectiveness in the activities of the administration, loss of administrative capacity and dependency on external political and economic influence over the work of institutions.

🌐 **TRANSPARENCY INTERNATIONAL-BULGARIA CALLS ON THE POLITICAL PARTIES TO COMMIT TO:**

A sustainable policy for transparency appointments in the public governance bodies through:

A9. Introduction in the 44th national Assembly of **standardized unified appointment procedures** for managerial public offices in the governance bodies, the independent agencies and the high-level administration, based on 1) clear initial criteria including requirements for professional competence; 2) transparency of selection procedures; 3) public hearings with the possibility for discussion of the management concepts, submitted by the candidates; 4) transparency of the procedure for voting on the selection decision; 5) obligation for motivation of the selection.

A PARLIAMENT WITHOUT A DESIGNATED ETHICS POLICY – HOW LONG?

 In Bulgaria an effective practice for implementation of ethical standards in the activities of Members of Parliament is still lacking. The long period with missing rules for ethical conduct in the activities of the legislative lead to significant deficits in the sphere of integrity. The standing commissions on parliamentary ethics had a hard time implementing their functions for development of ethical environment and compensated the normative vacuum with *ad hoc* and *ad hominem* decisions o signals submitted by citizens. The specialized chapter in the Rules of Procedure of the 43rd National Assembly dedicated to ethical conduct of the Members of Parliament has not led to significant positive practices. The reason mostly lies in the belated measures for strengthening the competences of the parliamentary ethics commission. The Global Rule of Law Index in the period 2012-2016 demonstrates a drastic decrease on the indicator “Misuse of public office by Members of Parliament” for Bulgaria – from 0,33 to 0,13 points with an EU-average of 0,52 points. In a global perspective, on this indicator Bulgaria ranks “better” only compared to countries like Liberia, Nigeria, Moldova and Guatemala.

 **TRANSPARENCY INTERNATIONAL-BULGARIA CALLS ON THE POLITICAL PARTIES TO COMMIT TO:**

Specific steps to strengthen the authority of the Parliamentary Ethics Commission in the 44th National Assembly through:

A10. Application of transparent procedures for appointment of the members and chairmanship of the ethics commission in accordance with the requirement for proven integrity and not as the result of a political compromise.

A11. Enhancing the sanctioning competences of the commission and the principles of transparency in its activities.

Administration and Corruption

CONFLICT OF INTEREST – A ONGOING PROBLEM: HOW LONG?

🇧🇬 In 2009 a specialized law was adopted in Bulgaria, regulating the ascertainment and the sanctioning of one of the key preconditions for corruption in government – the conflict of interest. In 2011 a specialized institution was established with competences to monitor the application of the law – the Commission for Prevention and Ascertainment of the Conflict of Interest. At the same time, the public sphere gives us daily examples for vicious practices in the work of various categories of public officials both in the central, and the local administration. The existence of legislation is not a sufficient prerequisite for countering corruption – but the centralized approach in exerting control over its application created sustainable practices of effective and adequate counteraction to conflict of interest in the activities of the administration.

🌐 **TRANSPARENCY INTERNATIONAL-BULGARIA CALLS ON THE POLITICAL PARTIES TO COMMIT TO:**

A clear programme for implementing risk-based measures for counteraction to corruption on lower administrative levels in the high-risk sectors of state administration through:

A12. Implementation of a mechanism for **ex ante prevention of the conflict of interest** by category of risk-related processes in the activities of public bodies.

A13. **Strengthening the competences of the inspectorates** in the administration to conduct check-ups of conflict of interest declarations.

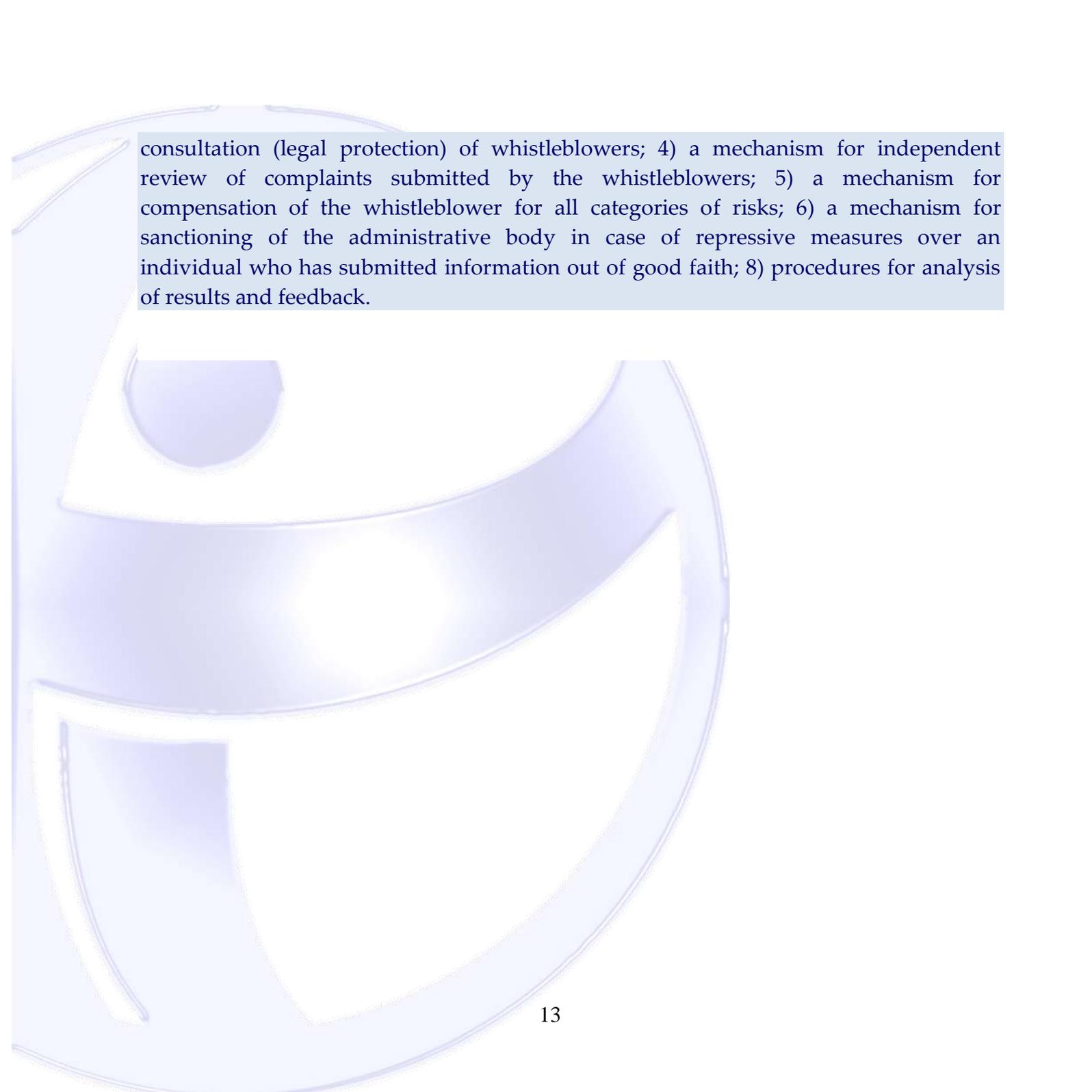
THE UNDERVALUED POWER OF CORRUPTION SIGNALS – HOW LONG?

🇧🇬 Individuals who submit signals for irregularities (whistleblowers) play a vital role for exposing corruption, fraud and mismanagement, and they also help counteract the vast damages caused by unlawful activities or lack of actions by the administration. At present in Bulgaria there is no specialized law for protection of whistleblowers, despite certain regulations in the Administrative Procedure Code and the Law on Prevention and Ascertainment of the Conflict of Interest. The existing rules, however, do not present effective mechanisms for protection of whistleblowers, which continues to negatively affect the progress reports of Bulgaria in the implementation of various international conventions, adopted by Bulgaria (for instance, the UN Convention against Corruption, the OECD Convention on Combatting Bribery of Foreign Public Officials, etc.). There are still few cases when institutions have developed and implement policies and specific measures to protect whistleblowers. In general, the issue is outside the agenda of politicians and institutions.

🌐 **TRANSPARENCY INTERNATIONAL-BULGARIA CALLS ON THE POLITICAL PARTIES TO COMMIT TO:**

Adopt, regulate and implement an all-encompassing policy for whistleblower protection through:

A14. Adoption of a detailed regime of protection of public servants in the central and local administration who submit signals for irregularities and corruption, which includes: 1) clear procedures for internal reporting by strict adherence to confidentiality rules; 2) clear procedures for conducting check-ups on the signals; 3) a mechanism for



consultation (legal protection) of whistleblowers; 4) a mechanism for independent review of complaints submitted by the whistleblowers; 5) a mechanism for compensation of the whistleblower for all categories of risks; 6) a mechanism for sanctioning of the administrative body in case of repressive measures over an individual who has submitted information out of good faith; 8) procedures for analysis of results and feedback.

Business Climate and Corruption

MISUSE OF PUBLIC RESOURCES – HOW LONG?

 Use of public resources through public procurement is an area of extremely high corruption risk in Bulgaria. Annually over 6 billion leva (around 3 billion EUR) are distributed through public procurement which explains the high interest of effective management and limiting the corruption pressure in this area. Ineffective management of large volumes of financial resources harms the public interest and is the major reason for the problems faced by the country. Through the years a number of practices of misuse of public funds have been observed, often executed within the formal rules of the law. The practice of including annexes to the primary contract of public procurement implementation, who in effect substitute the original approach, the arbitrary selection of criteria for assessment of the candidates, irrelevant requirements to them among others are only a few of the preconditions for significant corruption risk in this area.

 At the same time, the business climate suffers from excessive administrative burdens, insecure legal environment, lack of effectively functioning electronic governance at all levels of administration.

 **TRANSPARENCY INTERNATIONAL-BULGARIA CALLS ON THE POLITICAL PARTIES TO COMMIT TO:**

A sustainable practice for transparent and accountable management of public resources through:

A15. Implementing a system of external control over the ex ante check-ups of public procurement procedures and the relevant follow-up activities, as well as in

regard to exposing cases of conflict of interest and corruption and correction measures to eliminate irregularities.

A16. Specific deadlines and measures to establish the electronic tenders as a principal instrument for transparency of public procurement.

A17. Establishing a standard for assessment of the effectiveness of the implementation of public procurement and public reporting on the results.



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**АСОЦИАЦИЯ „ПРОЗРАЧНОСТ БЕЗ ГРАНИЦИ“
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