

OSCE-SPAI RSLO
REGIONAL CONFERENCE ON SHARING BEST PRACTICES AND
LESSONS LEARNED IN PREVENTING CORRUPTION
3-4 APRIL 2007, TIRANA

BULGARIAN PRESENTATION

The Republic of Bulgaria has signed the UN Convention on Corruption (UNCAC) on 10 December 2003 during the opening ceremony for its signature in Merida, Mexico. The Convention was ratified by Bulgaria on 20 September 2006.

The analyses of the national anti-corruption legislation and the institutional framework made in the process of the ratification of the UNCAC showed high level of compliance with the Convention standards.

In particular, the amendments in the Bulgarian Criminal Code in the period 1999-2002 criminalise all the offences for which the Convention requires criminalisation – active and passive bribery of domestic and foreign officials, breach of official duties, money laundering and crimes against the judicial system, including all those offences that the countries are advised to consider as crimes.

Among the laws, which contain specific regulation in conformity with the different Convention standards the following have to be mentioned: the Criminal Procedure Code (especially the norms on protection of witnesses, the use of the special investigative means, the free legal aid provisions), the Law on Extradition and the European Arrest Warrant, the Law on the Judiciary, the Law on Administrative Violations and Sanctions concerning the administrative responsibility of legal entities for crimes, the Law on the Ministry of Interior, the Law on the Customs, the Law on the Banks, the Law on Measures against Money Laundering, the Law on the Internal Financial Control, the Law on the Independent Audit, the Law on Accounting, the Law on Public Procurement, the Law on the Publicity of the Property Owned by Persons Occupying High State Positions, the Law on Civil Servants, the Law on the Access to Public Information.

The adoption by the Government of the new Strategy for Transparent Management and Prevention and Counteraction of Corruption (2006-2008) and the Plan for its Implementation 2006, as well as the setting up of the Governmental Commission for Prevention and Counteraction of Corruption are also in line with the Convention standards for preventive anti-corruption policy and practice.

In March 2007, the Commission for Prevention and Counteraction of Corruption (CPCC) adopted a report on the implementation of the Programme to the Strategy for transparent management, prevention and counteraction of corruption in 2006, and a Plan for the implementation of the Strategy for 2007.

With the amendments of the Law on Publicity of the Property Owned by Persons Occupying High State Positions, enforced as of 1st January 2007 ***the publicity of property of persons, occupying high state positions is legislatively provided.*** This category of persons submits property declarations to the National Audit Office by 30 April every year.

In January 2007, ***The President of the National Audit Office approved Instructions for checking documents,*** according to the requirements of the Law on Publicity of the Property Owned by Persons Occupying High State Positions

In order to attain effectiveness of the conducted checks, ***the capacity of the National Audit Office has been strengthened.*** According to the latest amendments of the Law on Publicity of the Property Owned by Persons Occupying High State Positions, the access to the information of the public register is provided by the internet site of the National Audit Office.

The updated list of persons, obliged to declare their property, as provided by the Law on Publicity of the Property Owned by Persons Occupying High State Positions, has been presented also to the National Revenue Agency. The declaration form has been approved by the President of the National Audit office in January 2007 and published in the Internet site of the National Audit Office to be used by the declarers

The cooperation and interaction between the various institutions in the area of prevention and fight against corruption has been improved. For the period November 2006 – January 2007 agreements have been signed for cooperation between the National Audit Office and the National Revenue Agency, the Ministry of Agriculture and Forests, The Ministry of Interior, the Ministry of Regional Development and Public Works, the Ministry of Transport, The Registry Agency, the Special Pledges Registry at the Ministry of Justice. The agreements regulate the exchange of information of the checked persons and access of the national Audit Office to the information, contained in the registers, which maintain these structures.

The interrelation between the three authorities in the fight against corruption (at the National Assembly, at the Council of Ministers and at the Supreme Judicial Council) within the frames of the Council of coordination of the fight against corruption in the Republic of Bulgaria, established in April 2006, ***has been improved.*** The commissions of counteraction to corruption in the National Assembly, the Council of Ministers and the Supreme Judicial Council hold joint meetings every month, during which issues in the area of legislation, the institutional framework for fight against corruption and concrete cases are discussed.

The coordination and interrelation with the Chief Inspectorate Directorate to the Council of Ministers have been improved, as a coordinating structure of the activity of the Inspectorates in all ministries, and the other inspectorates. The checks are conducted with the assistance of all the inspectorates, as well as with the assistance of

the Ministers and the specialized institutions for control – the Agency for State Financial Inspection and the National Revenue Agency.

With the latest Constitutional amendments, at Constitutional level, transparency and accountability of the judiciary are fully guaranteed, with complete observation of its independence and a positive effect is maintained on the counteraction to corruption efforts in the judiciary.

In the National Institute for Magistrates regular training is provided on anti-corruption practices and codes of ethics for magistrates and judicial administration.

In January 2007, the Centre for the Study of Democracy - one of the leading non-governmental organizations in the area of anticorruption, presented the results of the first study of the Bulgarian businesses on the level of corruption after Bulgaria's accession to the EU. The study responds to the System of indicators for performance assessment of the Strategy for transparent governance and for prevention and counteraction to corruption. Conclusions may be drawn on this basis for positive changes in the corruption environment in the country by March 2007. In comparison with November 2005, the ***level of corruption victimization among the businesses has been lowered with 50%***. The corruption pressure has also been lowered substantially on behalf of the administration in comparison with the businesses for performing informal payments. Lower corruption pressure has been registered practically in all professional groups in the administration (customs, police, taxation and other employees) with which the studied economic heads have had contacts. [/www.csd.bg/bg](http://www.csd.bg/bg) - site for more information about the Centre's activity/.

According to a survey of *Transparency International* carried out in the period 15-30 November 2006, prevailingly positive assessments of satisfaction with the work done by public administration in providing services and information to citizens and businesses were reported (you may find more information on the web site of *Transparency International* – www.transparency-bg.org).

Finally, we would like to mention that in November 2005 Bulgarian Government hosted the Regional high-level seminar organised by the UN Office for Drugs and Crime (UNODC). The aim of that activity as a part of series of 6 work-shops of that kind was to promote the ratification and effective implementation of the UN Convention on Corruption among the countries of East Europe. The seminar was attended by representative of 27 countries, many international organisations and the Secretariat of the United Nations. As a result of these events in 2006 the process of ratification and implementation of the Convention was speeded up in a number of the countries from the region.

We believe that such activities are extremely useful and could help for the faster harmonisation of national anti-corruption legislation and practices with a view to develop common standards and better networking and cooperation among the countries in the region to successfully prevent and combat corruption.