

Brussels, 4 February 2008

Interim Report on Progress in Bulgaria with Judiciary Reform and the Fight against Corruption and Organised Crime

Why does the Commission report on progress in Bulgaria in these areas?

Upon accession of Bulgaria on 1 January 2007, certain weaknesses remained in the areas of judicial reform, the fight against corruption and organised crime that could prevent an effective application of EU-laws, policies and programmes. The treaty of accession set the framework for further work in these areas.¹ In addition, the Commission took the obligation within the Cooperation and Verification Mechanism² to assist Bulgaria to remedy these shortcomings but also to regularly verify progress against six benchmarks set for judiciary reform, the fight against corruption and the fight against organised crime. These benchmarks are interlinked. They need to be seen together as part of a broad reform of the judicial system and the fight against corruption and organised crime for which a long term political commitment is needed.

How does the Commission report on progress in Bulgaria?

The [first report](#) of the Commission was published on 27 June 2007. It included a comprehensive assessment of progress against each of the six benchmarks. The report concluded that the Bulgarian Government was committed to judicial reform and cleansing the system of corruption and organised crime. However, there was still a clear weakness in translating these intentions into concrete results. While recognizing the efforts of Bulgaria, much remained to be done and progress was still considered insufficient in the fight against high-level corruption and organised crime.

As the time period since this report was considered too short to allow Bulgaria to remedy all shortcomings and for the Commission to revisit the assessment, the present report contains only a factual update of progress and deliberately abstains from providing a detailed assessment of results achieved under each of the benchmarks. However, the report also takes note of some concerns on how progress has been evolving which need to be addressed by Bulgaria before the Commission carries out a full assessment again mid 2008.

In addition, the present *interim* report includes an overview of assistance provided to Bulgaria in areas relevant to the benchmarks. This has been done with a view to identifying possible assistance gaps and providing a full range of relevant support to Bulgaria.

As previously; the present report is based on contributions by the Bulgarian authorities, the Commission's services, Member States, technical experts and civil society.

¹ Articles 37 and 38 of the Accession Treaty of Bulgaria

² Commission Decision 2006/929/EC of 13 December 2006 establishing a mechanism for cooperation and verification of progress in Bulgaria to address specific benchmarks in the areas of judicial reform and the fight against corruption and organized crime (OJ L 354, 14.12.2006, p. 56).

What does the report say in short?

The report concludes that the efforts of Bulgaria in the areas of judicial reform (benchmarks 1 to 3) and in fighting corruption at its borders continue successfully whereas efforts to fight corruption within local government (benchmark 5) should still be strengthened to show the same positive results.

The report shows its particular concern for the areas of fighting high-level corruption (benchmark 4) and organised crime (benchmark 6) where convincing results have not yet been demonstrated by Bulgaria. The report suggests Bulgaria to particularly step up its efforts in these areas to register progress ahead of the Commission's next detailed evaluation mid 2008.

What does the report say about the Bulgarian Action Plan?

As suggested by the Commission in its first report in June 2007, Bulgaria has developed a detailed Action Plan on how it intends to meet the benchmarks set under the Cooperation and Verification Mechanism. The Commission assisted Bulgaria with a methodological assessment carried out by independent experts. Bulgaria consulted the Action Plan with Civil Society; it was adopted by the government at the end of October 2007.

The Commission recognises the effort by Bulgaria to produce a detailed Action Plan in a professional manner and discuss it with Civil Society. However, in some areas, the Action Plan lacks coherence and suffers from gaps. The activities which are proposed in the plan under judiciary reform (benchmark 3) and in particular under the legal framework for the judiciary (benchmarks 1 and 2) are detailed and credible. The Action Plan for local corruption, high-level corruption and organised crime (benchmarks 4, 5 and 6) lacks, by contrast, precise targets and meaningful performance indicators. The measures proposed (such as awareness-raising campaigns etc.) do not reflect the level of commitment necessary to tackle the issues concerned. They also fail to set out the necessary underlying operational framework.

The report suggests that the shortcomings of the Action Plan should be corrected and that the plan should be continuously updated and its implementation rigorously monitored by a strong central operational coordination mechanism.

What does the report say about support to Bulgaria for judicial reform, the fight against corruption and organised crime?

The report states that substantial support has been provided to Bulgaria in the area of Justice and Home Affairs in the past, both by the Commission and by Member States. These areas remain the clear focus of assistance also for projects implemented in the future. The EU's Transition Facility which will be implemented until 2010 makes available alone over 6 MEUR for projects specially designed to assist Bulgaria in meeting the benchmarks.

The report concludes that areas of heavy exposure to cooperation projects such as judicial reform and the borders show better progress than areas which have received less assistance in the past.

The report suggests focusing future projects on the fight against corruption and organised crime and to give preference to smaller and well targeted projects that directly address the priorities and needs identified in Bulgaria's Action Plan. The report also contains a number of concrete suggestions for future cooperation (such as e.g. cross-border investigation teams) and an overview of past assistance in an annex.

What are the next steps?

The present interim report expresses the Commission's concern on the absence of convincing results to date in the fight against high-level corruption and organised crime in Bulgaria. It suggests that Bulgaria should particularly step up its efforts to achieve progress in these areas ahead of the Commission's next report.

The Commission will issue again a comprehensive report under the Cooperation and Verification Mechanism with an assessment of progress against all six benchmarks in July 2008.

What are the six benchmarks set for Bulgaria?

The following benchmarks have been set for Bulgaria in the context of the Cooperation and Verification Mechanism:

1. Adopt constitutional amendments removing any ambiguity regarding the independence and accountability of the judicial system.
2. Ensure a more transparent and efficient judicial process by adopting and implementing a new judicial system act and the new civil procedure code. Report on the impact of these new laws and of the penal and administrative procedure code, notably on the pre-trial phase.
3. Continue the reform of the judiciary in order to enhance professionalism, accountability and efficiency. Evaluate the impact of this reform and publish the results annually.
4. Conduct and report on professional, non-partisan investigations into allegations of high-level corruption. Report internal inspections of public institutions and on the publication of assets of high-level officials.
5. Take further measures to prevent and fight corruption, in particular at the borders and within local government.
6. Implement a strategy to fight organised crime, focussing on serious crime, money laundering as well as on the systematic confiscation of assets of criminals. Report on new and ongoing investigations, indictments and convictions in these areas.

Where can the report be obtained?

The report is ready for download at the following website:

http://ec.europa.eu/dgs/secretariat_general/cvm/index_en.htm