

Report on Progress under the Co-operation and Verification Mechanism in Bulgaria

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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 and prevent Bulgarians from enjoying their full rights as EU citizens. Therefore, the Commission took the obligation within the Cooperation and Verification Mechanism¹ 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, reports Rapid.

Under the Cooperation and Verification Mechanism, the Commission delivers an annual assessment of progress in summer and an interim report in winter. The present report is the fourth annual assessment report. The Commission's analysis is based on contributions from the Bulgarian authorities, the Commission services, Member States, experts and NGOs.

The last annual assessment report published in July 2009 stated that Bulgaria had established a momentum for reform and achieved first results in the form of a higher number of cases regarding fraud with EU funds, an encouraging track record in inspecting courts and prosecutors' offices, some progress in the equal application of the law and in terms of identifying delays in high-level corruption and organised crime cases. Against the background of continuing street killings and a failure to apprehend known criminals, the report concluded that sufficient political commitment for broader initiatives was still missing.

The Commission updated its assessment in an interim report published on 23 March 2010. The report took note that in the last six months, Bulgaria had launched a number of important initiatives which showed will for reform and demonstrated a growing recognition that substantial and far-reaching changes are required. At the same time, the report referred to the continuously poor results of the judicial system to investigate, prosecute and try cases of high-level corruption and organised crime. The current report points to a strong reform momentum which has been established in Bulgaria since the Commission's last annual report in July 2009. The Bulgarian Government's new strategy for judicial reform demonstrates the existence of a strong political will to achieve a deep and lasting reform of the judiciary. The report also recommends that Bulgaria improve judicial practice in order to allow the judiciary to act more pro-actively and to show a stronger sense of responsibility.

In the field of judicial reform, Bulgaria adopted important amendments to the Penal Procedure Code, which aim to improve the efficiency of penal procedures. The most pressing reforms to improve the efficiency, accountability and consistency of the judicial process through amendments to the Judicial Systems Act are in the process of consultation within the Government. At the same time, the

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Commission's analysis points to important shortcomings in judicial practice both at the level of prosecution and at the level of court. The judicial process in Bulgaria lacks initiative and professional capacity. Complex investigations show a lack of direction and purpose, procedures are too formal and too long and often fail in court.

Bulgaria stepped up efforts to fight organised crime and corruption. The structural set-up of the prosecution to deal with fraud with EU funds and organised crime has been strengthened. Bulgaria has achieved a number of indictments regarding organised crime and high-level corruption. These involve the indictment for high-level corruption of a minister in office, of ex-ministers and high civil servants. However, too few cases are concluded in court. Further efforts are needed to improve professional practice of police and the judiciary notably as regards the investigation of complex cases. The report notes the need to improve the protection against fraud and conflict of interest in public procurement. Plans to strengthen legislation on asset forfeiture should be pursued. The protection against conflict of interest should be further strengthened in the revision of the law on the prevention on conflicts of interest and in its implementation.

Bulgaria's new strategy for judicial reform, approved by the Government on 23 June demonstrates political determination to achieve a profound reform of the judiciary. The Commission calls upon Bulgaria to further pursue its efforts in carrying out the necessary reforms as a matter of national priority and in a joint effort by the political level, the judiciary and Bulgarian society.

In particular, Bulgaria should improve professional practice within the police, prosecution and courts. The judiciary should take initiative more often and show a stronger sense of responsibility. Public funds must be better protected against fraud and conflict of interest.

The Commission will continue to support Bulgaria in this endeavour and provide its next annual assessment of progress in summer 2011.