

# **Assesment of Bulgaria's capacity to fulfil the commitments provided for in the Accession Treaty**

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Bulgaria is meeting the majority of commitments in the area of Justice and Home Affairs. There are delays in the areas of implementing the Schengen Action Plan and the collection of statistical data. Serious concerns exist, over the efficiency of Bulgaria's judicial system and in particular its capacity to amend the Criminal Procedure Code and thereafter also a number of related laws including the Judicial System Act, the Criminal Code and the Ministry of Interior Act in a way which ensures that, in particular, the pre-trial phase is efficient and transparent. Particular attention should be focused on the fight against organised crime, especially drug smuggling; responsible institutions and the necessary investigative measures should be made fully operational.

Concerns also exist about Bulgaria's efforts to fight corruption, especially high-level corruption, about the lack of criminal convictions to date and the absence of prison sentences corresponding to the seriousness of the offences. In addition, petty corruption continues, especially by public officials at the borders.

Attention should also be paid to the random distribution of cases to magistrates as well as to the risk that persons could be appointed to senior positions within the judiciary without the application of proper selection procedures. In general the administrative capacity to effectively implement legislation will need to be considerably strengthened before accession.