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Action plan- June 2006. Measures for implementation of the European Commission recommendations, identified in its Comprehensive Monitoring Report of 16 May 2006

12 June 2006 - Government's information office

Measures for implementation of the European Commission recommendations, identified in its Comprehensive Monitoring Report of 16 May 2006

I. Anti-Corruption:

i. Compulsory or voluntary nature of declaration of interests and assets by magistrates, MPs, political parties and all public servants.

Existing situation/ State of play

Civil Service

Obligations for declaring assets and conflict of interests exist for all civil servants, as provided by the Law on the Civil Servant.

MPs

In compliance with the Rules of Organization and Procedure of the National Assembly (NA), when introducing draft laws and statement in plenary session, or in a committee, an MP with financial interest in the discussed problem is obliged to disclose this interest.

Persons, taking high level state positions

The declarations of assets are also obligatory for a wide range of persons, taking high level state positions, including MPs, as provided by the current Law on Publicity of the Property Owned by Persons, Occupying High State Positions (LPPPOHSP). The obligation for giving written consent for publishing data from the assets declarations in the media refers only to those declarations, filed by the end of 2004, i.e. such consent for announcing the data is not required for the declarations after 1.1.2005.

Code of Ethics regulating the work of the members of government and other politically appointed officials in the executive

Pursuant to the Code of Ethics regulating the work of the members of government and other politically appointed officials of the executive, these persons are obliged to declare, apart from their assets, also any existence of conflict of interests, which conflict of interest they should avoid. The application of the Code of Ethics regulating the work of the members of government and other politically appointed officials of the executive may lead to sanctions under the form of administrative and disciplinary measures. As a rule, the Codes of Ethics may not be taken as obligatory legally binding, but more likely, the obligations ensuing from them are related with moral and hierarchical responsibility, i.e., they are to a greater extent voluntary. The declaration of conflict of interests on behalf of persons, taking high-level positions

in the executive (the political positions) is not related to such a legally binding force, as is the declaration of the assets.

Magistrates

Pursuant to the Law on the Judiciary (LJ), the judges, prosecutors and investigators declare their incomes and property in the National Audit Office (NAO) at their appointment, and every year not later than 31 May, for the previous calendar year, as well as at their discharge, under the terms and conditions of the LPPPOHSP. The existing grounds for self-non-joinder and non-joinder, according to the procedural legislation The Civil Procedure Code (CPC), the Penal Procedure Code (PPC) and the Administrative Procedure Code (APC) represent a sufficient guarantee for avoiding conflict of interests while hearing cases.

Tax Officers

The employees of the National Revenue Agency (NRA), i.e. the tax officers, after taking into position and annually till May 31st are obliged to declare their property, including the one, which is matrimonial joint ownership, as well as the property of the children under age by a declaration according to a model, approved by the Executive Director of the NRA. The employees of the NRA can not:

1. be sole traders or partners in commercial companies;
2. participate in management and control bodies of commercial companies, cooperations and other organizations;
3. hold other paid position or carry out another paid activity except scientific, lecturing or activity stipulated by the Law for the Copyright and its Related Rights.

These circumstances are certified before the employer by a declaration.

The incompatibility with these requirements as well as the non-submission in time of the asset declaration is being considered grounds for unilateral termination of the legal relations of employment with the Agency employee without advance notice.

Customs Officers

Under the Law on the Customs the requirements towards the employees of the Customs Agency are fully identical to the ones towards the Tax Officers. The incompatibility with the relevant requirements as well as the non-submission in time of the asset declaration constitutes grounds for unilateral termination of the legal relations of employment with the Customs Officer without advance notice.

Ministry of Interior

The requirements towards the public servants in the Ministry of Interior (MI) are identical – according to the Law on the Ministry of the Interior, the public servants are obliged to declare their assets/ property as well as their interests. Non-compliance with the requirements of the Law on the Ministry of the Interior leads to disciplinary responsibility, incl. discharge in the case of lack of immediate declaration of interests when it had been necessary.

Political Parties

By 31 March of the current year, the political parties are obliged to submit to the NAO the verified financial reports. Lists of donators and the size of the donations and testaments, made by the natural persons and the donations, made by the legal persons, as well as lists of the commercial companies with under 5% public or municipal participation, which provided resources to the relevant party, are to be enclosed to the reports, i.e. they are made public before the NAO. The NAO has for its obligation to publish in the official bulletin and on the Internet web page, by 15 April of the current year the names of the parties, which have not submitted their reports in time. The NAO, within a 6-month term from

receiving the financial reports, audits the financial activity and the management of the provided property for their compliance with the requirements of this law and of the Law on Accountancy. The NAO publishes in the official bulletin and on the Internet web page the report on the results from the audits within one month after their completion. In case of failure to submit, or failure to submit in time the financial reports to the NAO, the political parties lose their right to state subsidy by the time of the next elections for MPs. In case of violations in the collection, or expenditure of resources, in the management of the provided property, or in the financial reporting, found out during the audit by the NAO when there is sufficient data for committed crime, following a decision of the NAO the report is sent to the Sofia City Prosecution Office, within 7 days of its adoption.

Further action/ Measures planned by the Bulgarian side

- Urgent issuing of an Order of the President of the NAO for defining the order, in which the public access to the public register is provided – pursuant to Article 6, Paragraph 2 of the LPPPHOSP.

Responsible Authority: NAO

- Urgent adoption of the rules for paying the expenses for providing data from the public register – pursuant to Article 7, Paragraph 1 of the LPPPHOSP.

Responsible Authority: NAO

- Elaboration and submission to the NA a Draft Law on Amendment of the LPPPHOSP, including introduction of an obligation on part of the National Revenue Agency to verify the authenticity of declarations, filed to the NAO; introducing the declarations in a freely accessible Internet based register¹.

Deadline: 15 June 2006

Responsible Authority: Commission on Prevention and Counteracting Corruption (CPC), MF, NAO, in cooperation with the NA

- Elaboration in short terms and submission to the NA of a Draft Law on Lobbying, envisaged in the Programme for implementing the Strategy on Transparent Governance and for Prevention and Counteracting Corruption for 2006, in view to introducing a requirement for declaring interests at law (legislative) level for all persons, occupying high-level state positions.

- On the basis of cooperation with the NA a request to be elaborated before the NAO for the provision of:

1. the submitted until 31 May this year financial reports by the political parties for the previous year;
2. list of the political parties, which have not submitted financial report for the previous year up to the deadline, envisaged in the Law on the Political Parties;
3. the NAO's reports for the last three years on the results of the audits of the financial activities and the management of the provided property to the political parties.

- The reports pointed out shall be submitted to the Anti-corruption Committee in the NA. On the basis of cooperation with the Anti-corruption Committee in the NA the latter shall conduct an analysis of the documents provided and shall assess the compliance with the Law on the Political Parties, particularly whether the political parties' reports include:

1. donations in kind;
2. donations from political foundations and whether there is an examination by the NRA for the lawfulness of those donations;
3. whether the names and other personal data of all of the donators of the political parties are made public

- Accelerated elaboration and submission to the NA of a Draft Law on Amendment of the Law on Political

Parties with a view to improve the transparency and the accountability of the political parties' financing.

Responsible Authority: on the basis of cooperation with the NA

ii. Figures on actions related to alleged corruption (suspensions, dismissals), what sanctions can apply, what sanctions have been applied.

Further action/ Measures planned by the Bulgarian side

- The Commission on Prevention and Counteracting Corruption (CPCC) should collect and update information from the Ministries and the other institutions on cases of suspension from office due to allegation of corruption activity, as well as keep statistics for the sanctions imposed.

Deadline: once a month

Responsible authority: CPCC

- The CPCC to provide information on the cases of dismissal of work or other administrative or penal sanctions. The information supplied must be sufficient to indicate a general trend.

- Level of sanctions

- Chronology of sanctions

- Suspension, dismissal of work, and penalty

- Short-term improvement of statistics to be provided on a regular basis.

- Take additional measures to reduce corruption at the borders, in particular (1) discourage cash payments at the border, (2) Generalise the one stop principle at all BG borders and (3) Increase measures to prevent corruption in the customs, by investigating more proactively inexplicable wealth of custom officers and provide for deterrent administrative and criminal sanctions.

Deadline : continuous – report in early September 2006

Responsible authority : Interministerial Council on Border Control Issues

- Develop a comprehensive risk management programme that addresses the business sector. Risk management has to be underpinned by a reliable and regular reporting system.

Deadline : September 2006

Responsible Authority : CPCC to co-ordinate the implementation of the anti-corruption programme together with the business community

iii. The administrative capacity of the NAO and the CPCC.

Further action/ Measures planned by the Bulgarian side

- The Prosecutor General is to provide urgently information and statistics on high-level corruption on the basis of the template and the statistics already provided for magistrates, including outline of investigations already underway in order to demonstrate a track-record.

Responsible Authority : on the basis of cooperation with PPO

- Urgent staffing of the Inspectorate General to the CM, in view of fulfilling the functions of the secretariat to the CPCC. Provide figures of current staffing level and of planned level by September, provide plan for training the staff. Clarify in this respect the role of this Commission against those of the Council to co-ordinate fight against corruption, the ombudsman and the newly established Inspectorate in Council of Ministers (CM) as regards the handling of corruption signals in the administration.

Deadline: 15 June 2006

Responsible Authority: CM

- Adoption of amendments of the Structural Regulations of the CM and its Administration in view to improve the legal regulation of the functions of the Inspectorate General in the field of transparent governance, prevention and counteracting corruption in connection to supporting the activities of the

CPCC.

Deadline: 15 June 2006

Responsible Authority: CM

- Strengthening the administrative capacity of the NAO. Provide a plan of staffing and training.

Deadline: August 2006

Responsible Authority: ?F, NAO

II. Organised crime and money laundering:

i. Coordination mechanisms between police and banks, financial agencies, exchange offices, casinos, real estate sellers in order to track and cut off the circulation of the proceeds of crime.

Further action/ Measures planned by the Bulgarian side

- Introduction of additional amendments of the Law on Banks, respectively, in the Draft Law on the Credit Institutions (approved by the CM with a CM' Decision No. 314/28.04.2006), with the aim of further regulation regarding the bank secrecy, while investigating cases of money laundering.

Responsible Authority : Ministry of Finance (MF), Financial Intelligence Agency (FIA), the MI.

- Urgent increase of the staff of the FIA with 10 positions for performance of checks of the persons obliged to report according to the Law on Measures against Money Laundering (LMML).

Responsible Authority : MF

- Enhance the co-operation between the FIA, the police and the prosecution office and provide information of this closer co-operation.

Deadline : September 2006

Responsible Authority : MI, PPO and FIA

- Establish specialised mirror structures in the MI and the Prosecutor's Office (PPO), staff them accurately and provide specialised training on financial crime issues, incl. money laundering, including to judges.

Deadline : September 2006

Responsible Authority : MI, PPO

- Elaboration and adoption of a plan for training of officials of the MI, the PPO and the analytical specialists of FIA, including with the assistance of training programmes with the EU Member States, including UK.

Deadline : 15 July 2006

Responsible Authority : MF, FIA and National Institute of Justice (NIJ)

- Involvement of a long term expert from an EU Member State, who should cover the problems on the money laundering in the financial sphere (applying the LMML), as well as in the sphere of cooperation between the law enforcement bodies (investigation and prosecution of money laundering, application of the Penal Code).

Responsible Authority : MF and FIA

- Provide a convincing track record of the police and prosecutorial activities as regards the fight against money laundering updates on indictments, ongoing trials and convictions.

Deadline : 1 September 2006 and beyond

Responsible authority : PPO and MI

- Establish specialised structures in the MI and the PPO to fight various forms of organised crime. Provide sufficient staff and training.

Deadline : 1 September 2006

Responsible authority : MI and PPO

- Contract killings : Focus on unresolved contract killings, establish typology which should help detecting links and possibly assist in preventing contract killings and report on progress in criminal investigations in recent and older contract killings.

Deadline : Continuous – report in June, July, August, and early September 2006

Responsible Authority : MI and PPO

- Firmly investigate possible involvement of officials in organised crime activities and provide deterrent administrative and criminal sanctions if linkages are proven.

Deadline : Continuous

Responsible Authority : MI and PPO

- Take measures including administrative, with an accent on training to foster a more pro-active approach in the attitude of the police departments dealing with various forms of organised crime.

Deadline : June 2006

Responsible Authority : MI

- Take additional measures to better secure treatment of confidential information, especially relevant as regards international police co-operation.

Deadline : June 2006

Responsible Authority : MI

- Co-operate in a transparent manner with the Commission for Protection of Personal Data in case of inspections. Legal harmonisation.

Deadline : continuous

Deadline: (legal harmonisation): early September to be submitted to NA

Responsible authority : MI and Commission for Protection of Personal Data

ii. Need to give update on the progress of every investigation into gangland murders which remain unsolved for the last five year period - what are the leads if any which the police are following - what are the links with administration/government if any.

Further action/ Measures planned by the Bulgarian side

- Regular provision of focussed information to the European Commission on the progress of the investigation of crimes of organised criminal groups.

Responsible Authority : MI

- Strengthening the capacity of the units in MI - General Police Directorate, investigating murders, and exchange of experience with offices of EU Member States, including UK and Spain, for the fight against the organised crime.

Responsible Authority : MI

- Provide analytical information on the functioning of the specialised unit on fighting against organised crime with elements of gap analysis.

iii. Better control over 'security' firms and gun licences.

Existing situation/ State of play

The activities of security companies are subject to an intensified control.

The provisions of the respective laws are applied strictly when issuing licenses for firearms.

The latest amendments of the Law on firearms, ammunitions and explosives (State Gazette 38 of 9 May 2006) brought the Bulgarian National legislation on acquiring and holding firearms fully in line with Council Directive 91/477.

Bulgaria is taking maximum advantage of the possibility provided for in the Directive for introducing a more restrictive regime than the one envisaged in the Directive. All firearms in Bulgaria - irrespective of the purpose for which they are being acquired - are subject to license regime or they are banned from use.

Further action/ Measures planned by the Bulgarian side

- Planned and ad hoc checks of manufacturers and distributors of firearms, ammunitions and explosives.

Responsible Authority: MI

- Provide statistical information and elements of gap analysis on the improvement of security firms and gun licensing control.

- Take measures to deal with the problem of illegal weapons.

Deadline : September 2006

Responsible Authority : MI

iv. Amend legislation on money laundering

Further action/ Measures planned by the Bulgarian side

- Urgent introduction of additional amendments in the Draft Law on Amendment of the LMML, with which to achieve a full compliance with the acquis in this area.

Responsible Authority : MF and FIA

v. More information on money laundering cases and actions taken

Further action/ Measures planned by the Bulgarian side

- Regular provision of information to the European Commission on the cases of money laundering and actions taken.

Deadline: every month

Responsible Authority: MF, FIA and MI in cooperation with the PPO

III. Reform of the judicial system:

i. First report on operation of the changes brought about by the Penal Procedure Code - staff changes, any unforeseen complications

Further action/ Measures planned by the Bulgarian side

- Holding of a professional debate on the issues of the application of the new Penal Procedure Code (PPC) and the new Law on the MI for the assessment of the application of the legislation and identification of problematic fields.

Deadline: 15 June 2006

Responsible authority : MI

- Extension of the composition and tasks of the PPC Monitoring Working Group in order to carry out analysis of the application of the PPC.

Deadline: 10 June 2006

Responsible authority : MI

- In cooperation with the Supreme Prosecutors' Office of Cassation - holding of a national meeting of the police investigators (doznateli), who investigate crimes, committed by organized criminal groups, for assessment of the practice on the application of the new PPC.

Deadline: 15 July 2006

Responsible authority : MI in cooperation with the Supreme Prosecutors' Office of Cassation

- The PPC Monitoring Working Group to meet on monthly basis for carrying out an analysis on the application of the new PPC – first conclusions and a proposal to do away with the reduction of the

number of Dosnateli.

Deadline : first conclusions and a proposal to be reported to the Minister of Justice by June 2006

Responsible authority : MJ and MI

ii. Analysis by the working group on constitutional changes of the comments by the expert - proposals to be elaborated by this group if agreement can be reached on need to make further amendments - also looking at the Law on Judiciary

Further action/ Measures planned by the Bulgarian side

- Remove the ambiguities as regards the full respect of the independence of the Judiciary.

Deadline: Procedure initiated by September 2006

Responsible Authority: MJ (coordinator) and NA

- Drawing up a new Law on Judiciary (LJ) in close cooperation with the NA and the experts from the Twinning project with Spain, including regular consultations with the EC concerning the Draft Law on the LJ. The Draft Law on the LJ should include criteria for evaluation of the work quality of magistrates, and eventually envisage establishment of new commissions within the Supreme Judicial Council (SJC) in this respect. The Draft Law should reconsider the generalized principle of competitions and limit them to the entry into the system. For promotions etc. a real merit based career path should be developed, hence the importance of objective and harmonized assessment (attestation) criteria and a unit in SJC to oversee implementation. Provide in the new LJ the creation of a new Evaluation and Supervision Department. In parallel, foresee legal provisions in the new JSA to limit the role of the Administrative Heads: Competence for evaluation, selection, appointment, promotion or downgrading should be exclusively given to the SJC. The role of the administrative heads should be limited only to the designation of the number of vacancies in their respective courts or offices with no outstanding role in the career development.

Deadline: September 2006

Responsible Authority: ?J, the Minister of European Affairs in cooperation with the SJC and the NA

iii. The entry into application of the random distribution of cases using the software now available - must be applied electronically and one hundred per cent throughout the country

Existing situation/ State of play

The principle of random distribution of cases has been regulated in the Regulation on the judicial administration in the regional, district, martial and appellate courts (State Gazette 95 from 26 October 2004) and now is further strengthened with the recent amendments of the LJ (State Gazette 39 from 12 May 2006), where it has been put on primary-legislation level (according to the Bulgarian law) and made valid for all judges, prosecutors and investigators.

Further action/ Measures planned by the Bulgarian side

- Complete introduction of the system for random distribution of cases. In parallel to analyse and provide information on the number of courts throughout the country targeting relevant proposals to increase efficiency of the judicial system.

Deadline: 30 June 2006 ; for analysis and reporting – 7 September 2006

Responsible Authority: ?J in cooperation with SJC

iv. Adopt the new Civil Procedure Code (CPC) and provide relevant training.

Further action/ Measures planned by the Bulgarian side

- Providing full assistance to the NA for the adoption of a draft of a new CPC.

Deadline: September 2006

- Responsible Authority: ?J in cooperation with the NA.

- Drawing up and adoption of a plan for training on the new CPC

Deadline: by the end of September 2006

Responsible authority: MJ and NIJ

- Commencement of the training.

Deadline: by 15 September 2006

Responsible authority: MJ and NIJ

- Drawing up and adoption of criteria for evaluation of the application (monitoring) of the new CPC.

Deadline: by the end of September 2006

Responsible authority : MJ

v. Need for establishment of structures and training in view of the implementation of the new Administrative Procedure Code (APC).

Further action/ Measures planned by the Bulgarian side

- Drawing up and adoption of a plan for training on the new APC.

Deadline: by the end of June 2006

Responsible authority: MJ and NIJ

- Commencement of the training.

Deadline: September 2006

Responsible Authority: ?J in cooperation with the NIJ

- Drawing up and adoption of criteria for evaluation of the application of the new APC.

Deadline: by the end of June 2006

Responsible authority: MJ

IV. Agriculture:

i. Dates for completion of aerial photography/IACS

Further action/ Measures planned by the Bulgarian side

- The deadline for building up a digital aerial orthophoto map of the country under LOT 1 of the contract (for 46822 km² , or 42,7% of the territory of the country) is 31 July 2006 and under LOT 2 (for the remaining territory of the country – 63910 km²) is 31 August 2006.

Deadline: 31 August 2006

Responsible authority: Ministry of Agriculture and Forestry (MAF)

- Digitalization of the physical blocks under LOT 1 will be finished by 30 September 2006, and under LOT 2 by 31 October 2006 (for the satellite images – by 31 August 2006).

Deadline: 31 October 2006

Responsible authority: MAF

- The deadline for finalization of entering of data and for achieving complete functioning of the Land Parcel Identification System (LPIS) is 30 November 2006.

Deadline: 30 November 2006

Responsible authority: MAF

- The orthophoto images will cover the whole territory of the country, and the satellite images will come in addition and will be used for speeding up the process of preliminary registration.

Responsible authority: MAF

ii. Start of work on a new rendering plant construction

Further action/ Measures planned by the Bulgarian side

- The ongoing procedure for contracting of the feasibility study for the construction of the rendering plant is under the PHARE rules and the deadline for concluding a contract is 1 September 2006.

Deadline: 1 September 2006

Responsible authority: MAF

iii. Completion of Border Inspection posts, including at Sofia airport, continued need for training particularly to use the border inspection posts and their equipment.

Further action/ Measures planned by the Bulgarian side

- All the Border Inspection posts (BIPs), including BIP Sofia Airport, will be completed by 1 September 2006.

- The training of the staff at the BIP will be organised before the completion of the BIPs in view of their accreditation by the European Commission, as well as after their completion in view of their effective functioning as an external border of the EU from the date of accession. The training will include study visits in EU Member States, consultancy assistance by veterinary inspection staff from Member States, as well as programmes for training of the whole staff.

V. Financial control:

i. Cooperation between the various Government departments having an interest in the overall picture.

Further action/ Measures planned by the Bulgarian side

- Preparation and adoption of benchmarks for implementation of the Agreement between the MF and the NAO for cooperation in the area of internal control in the public sector as well as in the area of auditing the EU funds.

Deadline: by the end of July 2006

Responsible authority: MF in cooperation with NAO

- Drawing up a midterm programme for training of managers/high and middle level/ at central, regional and local level for training in managerial responsibility and application of best practices in financial management and control over public funds, including EU funds.

Deadline: by the end of July 2006

Responsible authority: MF

- Implementing a pilot project for training of 40 secretaries general and 50 mayors of municipalities in basic principles of financial management and control, organised by the Institute of Internal Auditors and with the participation of experts from DG Budget of the European Commission.

Deadline: 15 June 2006

Responsible authority: MF

- From November 2006 beginning of certification of internal auditors in the state administration by the Minister of Finance.

Deadline: by the end of June 2007

Responsible authority: MF

ii. Information from central Government to local authorities including business operators on the financial circuits and rules which will apply after accession

Further action/ Measures planned by the Bulgarian side

- Training on financial management and control of mayors and business operators at regional level by September, for which target funding is needed from the European Commission.

Deadline: by the end of September 2006

Responsible authority: MF

- Development of a mid-term training programme (18 months) for planning and implementation of future projects on the structural funds at local level in the Public Finance School.

Deadline: by the end of July 2006

Responsible authority: MF in cooperation with IPAEI

- Drawing up and concluding an agreement with governmental and non-governmental training institutions for cooperation and assistance in the area of training on issues of drawing up and applying for projects of the structural funds, their management and accountancy.

Deadline: by the end of September 2006

Responsible authority: MF

iii. Progress towards EDIS

Further action/ Measures planned by the Bulgarian side

- Implementation of the additional requirements by the target institutions on ISPA programme. The aim is to enable DG Regional Policy to do a verification audit according to the negotiated terms with the European Commission.

Deadline: by the end of June 2006

Responsible authority: MF

- Speeding up the preparation of the target institutions on Phare programme by the end of July 2006. The aim is to enable DG Enlargement to do a verification audit by the end of July 2006 – MF.

Deadline: July 2006

Responsible authority: MF

iv. External audits of the high-spending Ministries - environment, transport, agriculture, regional development, labour

Further action/ Measures planned by the Bulgarian side

- Urgent target assistance by the European Commission for developing an intensive programme (6-12 months) for newly recruited officials in the target and financial institutions for financial management and control of Phare and ISPA funds (key areas of training – public procurement, internal control and project management) – to be implemented from July 2006- MF in cooperation with IPAEI.

- Urgent target assistance from the European Commission for performing independent external audits (in cooperation with auditors from the NAO) during the period July - September 2006 for establishing the readiness for correct and good management of the EU funds in the institutions, managing large in volume funds, as Ministry of Environment and Waters, Ministry of Transport, Ministry of Agriculture and Forestry, Ministry of Regional Development and Public Works, Ministry of Labour and Social Policy - by the end of July – MF.

As regards AFCOS, the two Working Groups that have been set up by an order of the Minister of Interior (mentioned in the EC Monitoring Report) had presented their reports/working papers on the key working documents and these are adopted by AFCOS for further implementation. In order to strengthen the protection of the EU financial interests new permanent working groups have been set up in the areas of risk management and prevention of irregularities. A new training programme is under development. Meetings of AFCOS are organized on a monthly basis. By the end of June new legal provisions will be adopted with a view to improve the coordination and the interaction, to regulate clearly the responsibilities, to improve the accountability and the publicity in the areas of fight against the misuse of funds and frauds.

Deadline: June- September 2006

Responsible authority: MF and MI

VI. Energy:

i. Progress on the definitive dismantling of unit 1&2 of Kozloduy NPP

Further action/ Measures planned by the Bulgarian side

- Taking actions through EBRD for completion by the consultants BNG/EdF of the Decommissioning strategy for units 1 and 2 of Kozloduy NPP and its adoption until 15 June 2006 – deadline – 30 May 2006 (already fulfilled).

Responsible authority: Ministry of Economy and Energy (MEE) and Kozloduy NPP

- Taking measures in order to develop a plan for compensation of the lagging behind of the project for construction of a dry storage for spent nuclear fuel and for submission until 30 June 2006 of proposals for resolving the technical problems – deadline – 30 May 2006 (already fulfilled).

Responsible authority: MEE and Kozloduy NPP

- Submitting an application for issuing permission by the Nuclear Regulatory Agency for carrying out alterations leading to a change in constructions, systems and equipment of Units 1 and 2 of Kozloduy NPP (dismantling of equipment which is not related to the safe storage of spent nuclear fuel at reactor pools).

Deadline: 1 August 2006

Responsible authority: Kozloduy NPP

ii. Presentation of a clear strategy for closing down units 3&4 by the end of 2006

Further action/ Measures planned by the Bulgarian side

- Submitting an application requesting alteration of the operation licenses for Units 3 and 4 issued by NRA due to new circumstances related to the units' closure by virtue of an international treaty. The amended licenses shall enable the licensee to use the units' facilities for storage of the spent nuclear fuel by absence of fuel in the active zone of the reactor.

Deadline: 30 June 2006

Responsible authority: Kozloduy NPP

- Submitting an application to the State Energy and Water Regulatory Commission (SEWRC) for amendment of the license for generation of electricity and heat energy with regard to the closure of Units 3 and 4 – deadline.

Deadline: one month following issuance of the licenses under the previous measure

Responsible authority: Kozloduy NPP

VII. Political criteria:

i. Examine track record of Ombudsman and strengthen if necessary

ii. Create structures for enhancing involvement of citizens and NGOs in the decision-making processes.

Existing situation/ State of play

According to the Bulgarian legislation (Law on the Normative Acts) any persons, in respect whereof duties or restrictions arise by virtue of a new statutory instrument, are being notified prior to the adoption of the said piece of legislation. Notification is effected by means of transmittal of the draft to representative organizations of such persons, by publication of the said draft through insertion in the mass communication media, via the Internet, or through public announcement of the said draft in another appropriate manner, and those affected may present proposals and objections to the relevant competent authority within a time limit which may not be shorter than one month.

Many specialized pieces of legislation (*lex specialis*) provide explicitly for the accomplishment of public

consultation procedure, which is dully followed. The NGOs, branch associations and all stakeholders may express their opinion in the drafting proceedings. The tripartite system is well established and functioning. The NGO sector may participate in the work of various working groups and councils, which are involved in the decision-making process.

Detailed additional information will be provided, if necessary.

iii. Create watchdog bodies

Additionally: use of "mentors" (standing experts) - to work alongside Bulgarians on extended mission basis - identification of structures and sectors which could benefit.

1 This will allow an easier and even less costly administration of the public register, in view of providing access to it.