

Anti-Corruption Reforms in Bulgaria: from Pre-Accession Monitoring to the Cooperation and Verification Mechanism to the EU Anti-Corruption Report

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EU Anti-Corruption Monitoring

2000

- Initial skepticism about the measurability of corruption

2003

- EU monitoring mechanism of corruption would be redundant, referring to the existing ones (OECD, GRECO, etc.)

2005

- Council Resolution 6902/05 called for development of mutual evaluation and monitoring mechanism

2006

- International legal standards would not suffice. Emphasis on measuring impact.
- Cooperation and Verification Mechanism introduced for Bulgaria and Romania.

2007

- First Bulgarian report under the CVM submitted on 31 March 2007.
- CSD developed corruption measurement methodology and indicators (methodology, applied since 1998 with the launch of *Coalition 2000*)

2008

- United Nations Convention against Corruption

2009

- The Stockholm Programme invites the EC to develop indicators to measure fight against corruption

2010

- Communication on *The EU Internal Security Strategy in Action: Five steps towards a more secure Europe*: sharing of best practices in anti-corruption is necessary

2011

- Setting of mechanism for periodic assessment: EU Anti-Corruption Report
- Corruption as key challenge in the EU enlargement strategy for 2011 and 2012

2013

- First issue of the *EU Anti-Corruption Report*

Cooperation and Verification Mechanism

- Introduced on 13 December 2006, first report submitted on 31 March 2007.
- For the first time newly accepted Member States were subject to post-accession monitoring
- Annual progress reports published in the summer
- Interim report by the EC each winter with update of the development occurred in the last six months

Cooperation and Verification Mechanism

- 6 benchmarks (general targets, that can be interpreted as specific measures in the EC regular reports)
- 3 safeguard clauses that can be triggered in the first 3 years of Bulgarian EU membership
- Long-term monitoring (and pressure) tool. No deadline for Bulgaria to fulfill the benchmarks.

Cooperation and Verification Mechanism

Six benchmarks, related to the necessity of:

1. Independence and accountability of the judicial system.
2. Transparent and efficient judicial process, new judicial system act and new civil procedure code.
3. Reform of the judiciary and annual evaluation the impact.
4. Investigations into allegations of high-level corruption and internal inspections of public institutions. Publication of assets of high-level officials.
5. Measures to prevent and fight corruption at the borders and within local government.
6. Strategy to fight organised crime (serious crime, money laundering, systematic confiscation of assets of criminals).

Cooperation and Verification Mechanism

Three safeguard clauses

General economic
safeguard clause

Article 36
of the Act of
Accession

Specific internal market
safeguard clause

Article 37
of the Act of
Accession

Specific justice and home
affairs safeguard clause

Article 38
of the Act of
Accession

- Directly linked to the the progress of Bulgaria under the CVM.
- Can entail serious sanctions.
- Can be triggered until the end of the three year period (1 January 2010).

Cooperation and Verification Mechanism

Instruments ensuring that Bulgaria will continue to pursue the CVM targets after the three year period:

- Suspension of EU funds
- Acceptance of Bulgaria in the Schengen area

Who stands behind the CVM:

- Launched through decision of the EC
- The Council of the EU plays key role in the CVM monitoring and implementation, official sanction to the work done by the EC
- Conclusions of the Council are usually based on Member States' positions

Cooperation and Verification Mechanism

Positive developments:

- Open and frank dialogue with the Bulgarian authorities
- Adoption of relevant legislation and setting up relevant institutions
- Adoption of the *Integrated Strategy for the Prevention of and Fight against Corruption and Organised crime*
- First-instance convictions in some of the high-profile cases of corruption and organised crime delivered in 2010.
- First convictions through plea-bargaining (“expedited procedure”) in 2009; concerns that this process leads to sentencing below the legal minimum.

Cooperation and Verification Mechanism

Shortcomings:

- Judicial reform, fight against corruption, tackling organised crime
- Slow speed of the reforms
- Lack of progress in countering killings linked with organised crime
- Formality and delays of the criminal and judicial procedures
- Lack of criminal investigations into the numerous allegations of corruption related to senior appointments in the judiciary
- No protection of whistleblowers
- Concerns regarding the corruption in public procurement

CVM: Recommendations from the 18 July 2012 Progress report

Reform of the judicial system

- Supreme Judicial Council mandate to undertake fundamental reform
- Human resource strategy for the judiciary
- Reform the prosecution in structure, procedures and organisation
- Open involvement of NGOs and professional organisations

Independence, accountability and integrity of the judiciary

- Effective system of random allocation of cases
- Make transparency, objectivity and integrity top priority in appraisals, promotions, appointments and disciplinary decisions.
- Transparent election of the General Prosecutor

Efficiency of the judicial process

- Strategy for reducing the backlogs in publishing motivations for cases
- Effective implementation of court decisions (absconding to evade prison or failure to apply financial sanction)
- Strategy to improve legal consistency (Supreme Court of Cassation to identify and rule on areas of disagreement)

CVM: Recommendations from the 18 July 2012 Progress report

Fight against organised crime

- Ensure that the new Asset Forfeiture Commission is appointed on the grounds of integrity and the prosecution fully cooperates with its work
- Independent analysis of case failures covering weaknesses in both investigation and prosecution
- Remedy shortcomings in structure, management, staffing, training, cooperation and professional practice

Fight against corruption

- Improve the performance of police, the prosecution and courts (based on experience from past cases)
- Independent impact evaluation of National Anti-Corruption Strategy
- Amend the law on conflicts of interest to allow sanctions to be effectively applied
- Turn the asset declaration and verification system into an effective instrument to detect illicit enrichment

Role of the CSOs in the CVM

- Strong mechanism for CSO involvement and impact.
- The EC meets CSOs during working visits to Bulgaria and takes into consideration their opinion on the progress of the anti-corruption measures.
- Recommendation of the 18 July 2012 Progress report: Independent impact evaluation of National Anti-Corruption Strategy

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Thank you !

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