



REPUBLIC OF BULGARIA

SECOND ACTION PLAN OF THE REPUBLIC OF BULGARIA ON THE OPEN GOVERNMENT PARTNERSHIP INITIATIVE

1. INTRODUCTION

Bulgaria joined the Open Government Partnership Initiative in 2012. Bulgarian Government is committed to have an active role in developing a society based on more government transparency, citizen participation, responsibility, accountability and technological innovation by joining the initiative.

The participation of Bulgaria in the initiative is considered as an efficient instrument for cooperation and exchange of good practices with countries with recognised achievements in the field of open government.

During the initial stage of its participation in the initiative Bulgaria decided to focus its efforts on the achievement of more effective management of public resources and the improvement of the corporate responsibility. The country achieved good results especially with regard to publicity and higher level of accountability of public authorities. Publishing information concerning various aspects of the administration activities and the process of consulting draft of normative acts and strategic documents is a responsibility of the public authorities. Moreover, this is an increasingly recognized necessity that guarantees better results when policies are implemented. Some of the commitments included in the first action plan will be part of the Second Action Plan because of their added value to the society.

Another group of issues included in the first Action Plan of Bulgaria under the Open Government Partnership Initiative in particular those related to the promotion of corporate social responsibility seems to be areas with relatively limited effect mostly due to insufficient awareness of the society for the benefits of this approach and the fact that the businesses rather than the Government were the driving force of the process.

In the course of the dialogue with non-governmental organisations regarding the development of the Second Action Plan under the Open Government Partnership Initiative several areas were outlined where the Government shall focus its efforts for recognizing the principles of open government. New challenges should be faced. These are areas which have been insufficiently covered until now but increasingly become on the focus of public attention. The issue of open data is among these new priority areas.

Nevertheless this is a relatively new topic for Bulgaria, the need to promote the principle of open data in Government raised by active NGOs is acknowledged. The Government has committed to become active actor and boost the provision of open data by institutions. The potential of open data to generate new business opportunities is undoubted. The measures in the field of open data included in the plan are few but they represent first step necessary for introducing the idea of open data in Government as a tool to achieve the important principles of open government – transparency and citizen participation.

2. OPEN GOVERNMENT EFFORTS TO DATE

The Republic of Bulgaria officially joined the initiative in April 2012.

The Council of Ministers approved the First Action Plan by a Decree dated April 11, 2012 in relation to the membership of the Republic of Bulgaria to the Global Open Government Partnership Initiative. Aforementioned Decree assigned to the Secretary of the Council for Growth at the Council of Ministers to submit an Operational Plan related to the implementation of the commitments in the Action Plan. The Operational Plan was adopted by a decree of the Council of Ministers dated June 29, 2012.

The first plan was developed in cooperation with NGOs and covered the period until December 2013. The measures for implementation of the commitments in relation to the membership of the Republic of Bulgaria to the Global Open Government Partnership Initiative are in the following priority areas:

- More effectively managing public resources;
- Increasing corporate accountability and responsibility;

The overall coordination related to the development of the Action Plan was made interactively on the Public Consultations Portal in the Open Government Partnership section. <http://www.strategy.bg>.

Two new strategic documents and a package of amendments to the budget legislation have been adopted over the past year in accordance with the commitment to increase budget transparency. All these instruments have been consulted with the non-governmental sector and citizens. The improved regulatory framework creates the conditions required for transparent, sustainable and more effective management of public funds. The institutions publish regularly on their websites current data on their expenditures in order to meet citizens' expectations for transparency and information accessibility.

The Government has undertaken legislative changes to introduce a mandatory impact assessment of normative acts. This measure creates conditions for improved accountability and transparency in the work of the institutions and the administration when normative acts are developed.

Amendments and supplementations to the Public Procurement Act have been prepared aiming at full transparency and control in the tendering and execution of contracts and the facilitation of small and medium-sized enterprises' access to the public procurement market.

The introduction of e-government is a priority in State governance. Over the past year a package of projects has been implemented giving an impetus to e-government. Special attention is paid to e-health. The introduction of patients' e-files was launched in April 2013. A system for enhanced coordination and integration throughout the health services chain and for health data exchange is currently being introduced.

The Ministry of Economy and Energy has initiated the development of a new Mining Industry Development Strategy and a new Mineral Resources Act which will guarantee transparency in the management of mineral resources. These draft documents are intensively discussed in working group and by online consultations with the participation of Government, trade associations, non-governmental sector and citizens.

The dialogue between institutions, social partners, the NGOs and citizens' organisations is a priority in the work of the Government. During the second half of 2013 the sessions of the National

Council for Tripartite Cooperation which a body for consultations and debates between the Government, employers and trade unions were held on a regular basis. Public Councils headed by the relevant minister operates within each Ministry. Members of trade associations, non-governmental organisations and citizens' organizations participate in these Councils. More than 50 ad hoc working groups discuss important issues with the active participation of the businesses and citizens.

In accordance with the Independent Reporting Mechanism of the Initiative a researcher expert made a review of the implementation of the measures envisaged in the First Action Plan and recommended the inclusion of certain commitments in the Second Action Plan. The evaluation of the implementation of the First Action Plan has shown that Bulgaria has fulfilled almost all commitments made by the country. With regard to some of the commitments a recommendation was made to monitor their implementation or follow up them in the Second Action Plan (for example the Government Debt Management Strategy, the Strategy on Citizens' Organisations in the Republic of Bulgaria, the Mineral Resources Act, Amendments to the Access to Public Information Act).

The self-assessment report of the Action Plan was approved by Council of Ministers Decree, dated November 27, 2013. The Government assigned to the Minister of Regional Development to be responsible for the coordination and participation of the Republic of Bulgaria in the Open Government Partnership.

The Government will continue its work to overcome the challenges related to improving partnership between the administration and the civil society; improving administrative services and legal framework; and openness of the administration through improved access to information and data.

Measures launched with the first action plan will be implemented in the new one in line with the recommendations in the Independent Reporting Mechanism Progress Report, Bulgaria 2012–2013. Measures aimed at enhancing the process of civil society involvement in policy development will be implemented. Initiatives to increase budget transparency and to provide financial information in a user-friendly language will continue. Work will continue in the field of better management of natural resources; access to public information will be facilitated and the impact assessment of normative acts on small and medium-sized businesses will be improved, thus resulting in reduced administrative burden for small and medium-sized businesses and promoting economic growth.

3. NATIONAL ACTION PLAN DEVELOPMENT PROCESS

Under the leadership of Minister of Regional Development an interministerial working group was set up to prepare the Second Action Plan of the Republic of Bulgaria.

Special section dedicated to the Open Government Partnership is located on the public consultations portal www.strategy.bg where the non-government sector and the civil society sent their proposals for commitments to be included in the Second Action Plan. Proposals could also be discussed in an online panel of the Open Government Partnership Initiative at www.strategy.bg. Meetings of the interministerial working group comprising representatives of the administration were held to discuss the Second Action Plan and the proposals made by the civil society. Joint meetings of representatives of the interministerial working group and representatives of the business, the non-government sector, the civil society and the local authorities were also organised. The draft plan was published on the public consultations portal www.strategy.bg. The proposals for

commitments sent by the non-government sector in the course of the preparation of the plan were also published there. A contact person from the Ministry of Regional Development was designated to liaise with the non-governmental sector during the preparation of the document.

The measures in the Second Action Plan are developed in line with the proposals of non-governmental and citizens' organisations in the Republic of Bulgaria and these of representatives of the public administration, the recommendations in the Independent Reporting Mechanism Progress Report, Bulgaria, and the guidelines of the Open Government Partnership Regional Meeting for Europe, held in May 2014 in Dublin, Ireland.

4. COMMITMENTS

4.1. Commitment:

CLOSE PARTNERSHIP BETWEEN THE ADMINISTRATION AND THE CIVIL SOCIETY

Lead government institutions :		Lead institution to fulfill the commitment: Administration of the Council of Ministers. For the implementation of each measure: Measure 1: Ministry of Justice and Administration of the Council of Ministers Measure 2: Administration of the Council of Ministers and central administration Measure 3: Ministry of Justice, Administration of the Council of Ministers		
Other involved actors	Government	Yes		
	Civil society, private sector			
Status quo or problem/issue to be addressed		Insufficient involvement and participation of the civil society in the decision-making process		
Main objective		To improve the process of participation of citizens and citizens' organisations in the drafting of legislative documents To improve the partnership between the administration, the civil society and the business by means of holding sessions of public councils within government institutions in order to ensure better publicity and transparency.		
OGP challenge addressed by the commitment		Increasing Public Integrity		
Is it relevant to the advancement of:		Transparency	Accountability	Public participation
		Yes	Yes	Yes
Verifiable and measurable milestones to fulfill the commitment		New or ongoing commitment:	Start date:	End date:

1. Amendments to the Law on normative acts - proportional adjustment of the minimum mandatory deadline from 14 up to 30 days for organizing public consultation on draft normative acts in accordance with the significance of the problem, the stakeholders concerned and good European practices.	New commitment	July 2014	2016
2. Improved procedure for participation of citizens and citizens' organisations taking part in public consultations: <ul style="list-style-type: none"> – Publishing online information about composition of the councils, notices of convocation, agendas, minutes, information about decisions made at meetings and their implementation; regular public reports on councils 'activities. (The information will be published on web portal on consultative councils www.saveti.government.bg). – Developing clear rules, procedures and criteria for selection / nomination of representatives of citizens' organisations to consultative and public councils 	Ongoing commitment	July 2014	2016
3. Amendments to the Non-profit Legal Entities Act – setting up a Council for Development of the Civil Society in pursuance of the Strategy Supporting the Development of Citizens' Organisations in Bulgaria for the period 2012-2015.	Ongoing commitment	December 2012	2015

<p>4.2. Commitment:</p> <p>IMPROVING PUBLIC SERVICES AND LEGISLATIVE FRAMEWORK</p> <p>Better budget transparency:</p> <ul style="list-style-type: none"> – Openness, transparency and accountability of the processes related to Government debt management – Increasing the accessibility, intelligibility and comprehension of the public information published by the Ministry of Finance 		
Lead government institution:	Ministry of Finance	
Other actors involved	Government	Yes
	Civil society, private sector	

Status quo or problem/issue to be addressed	This commitment guarantees that the public is informed about important aspects related to the debt issues and ensures that the policies implemented in this area are transparent and predictable			
Main objective	To summarize the main mid-term trends regarding the debt policy in line with the effective management of the sovereign debt, and to provide detailed information of the state and dynamics of public debt in a different cross-section.			
OGP challenge addressed	Improving public services			
By the commitment	More Effectively Managing Public Resources			
Is it relevant to the advancement of:	Transparency	Accountability	Public participation	
	Yes	Yes	Yes	
Verifiable and measurable milestones to fulfill the commitment	New or ongoing commitment:		Start date:	End date:
1. Implementation of the Government Debt Management Strategy for the period 2012–2014	Ongoing		January 2012	December 2014
2. Developing, approval by the Council of Ministers and implementation of a Government Debt Management Strategy for the period 2015 – 2017	Ongoing		December 2014	December 2017
3. Publishing a bulletin on Government Debt on the web site of the Ministry of Finance	Ongoing		Monthly	
4. Publishing an Annual Review of Government Debt on the web site of the Ministry of Finance	Ongoing		Once a year	
5. Publishing the official information about the consolidated debt and guarantees on the State governance section on the web site of the Ministry of Finance	New commitment		January 2014	Quarterly/ Annually

Lead government institutions :	Ministry of Finance		
Other actors involved	Government	Yes	
	Civil society, private sector		
Status quo or problem/issue to be addressed	The information published by the Ministry of Finance can be understood only by a limited number of users with specific knowledge		
Main objective	To present the information published by the Ministry of Finance in a manner accessible to wider range of users		

OGP challenge addressed By the commitment	Improving public services More Effectively Managing Public Resources			
Is it relevant to the advancement of:	Transparency	Accountability	Public participation	
	Yes	Yes	Yes	
Verifiable and measurable milestones to fulfill the commitment	New or ongoing commitment:		Start date:	End date:
1. Carry-out a survey among users of the accessibility, intelligibility and comprehension of the public information published by the Ministry of Finance	New commitment		September 2014	December 2014
2. Developing a concept paper for enhancing the accessibility, intelligibility and comprehension of the public information published by the Ministry of Finance	New commitment		January 2015	May 2015
3. Implementation of concept paper measures for increasing the accessibility, intelligibility and comprehension of the public information published by the Ministry of Finance	New commitment		June 2015	January 2016

4.2.Commitment:			
IMPROVING PUBLIC SERVICES AND LEGISLATIVE FRAMEWORK			
Better management of natural resources			
Lead government institutions :	Ministry of Economy and Energy		
Other actors involved	Government	Yes	
	Civil society, private sector		
Status quo or problem/issue to be addressed	Need to increase public trust in the management of natural resources, to improve social responsibility and prevent social conflicts through greater transparency and public control.		
Main objective	To ensure transparency and publicity of the results in control exercised over prospecting and exploration permits and over granted concessions for mining mineral resources		
OGP challenge addressed by the commitment	Improving public services		
Is it relevant to	Transparency	Accountability	Public participation

the advancement of:	Yes	Yes	Yes	
Verifiable and measurable milestones to fulfill the commitment		New or ongoing commitment:	Start date:	End date:
1. Adoption of Amendments and Supplementations to the Mineral Resources Act		Ongoing commitment	2012	2014
2. Adoption of an Ordinance on the scope and the procedure for exercising and approval of the control results over the granted permits for prospecting and exploration or exploration only, and granted concessions for mining mineral resources		Ongoing commitment	2014	2015

4.2. Commitment:				
IMPROVING PUBLIC SERVICES AND LEGISLATIVE FRAMEWORK				
Improved impact assessment of normative acts – introducing a SME test				
Lead government institutions:	Ministry of Economy and Energy, Ministry of Justice and Administration of the Council of Ministers			
Other actors involved	Government	Yes		
	Civil society, private sector			
Status quo or problem/issue to be addressed	Lack of sufficient analysis on the impact of normative acts on the operations of the small and medium-sized businesses in Bulgaria, representing 99% of the total number of enterprises in the country			
Main objective	To analyse the impact of normative acts on SMEs, to reduce the administrative burden on the small and medium-sized businesses			
OGP challenge addressed by the commitment	Improving public services			
Is it relevant to the advancement of:	Transparency	Accountability	Public participation	
	Yes	Yes	Yes	
Verifiable and measurable milestones to fulfill the commitment		New or ongoing commitment:	Start date:	End date:
1. Act for Amendments and Supplementations to normative acts introducing the obligation to conduct a SME test		New commitment	2014	2015
2. Draft Methodology for SME test		New commitment	2014	2015

3. Form for SME test	New commitment	2014	2015
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4.3.Commitment:			
MORE EFFECTIVE MANAGEMENT OF PUBLIC FUNDS			
Citizens' participation, openness and transparency in the development of a new State Fees Act			
Lead Government institution:		Administration of the Council of Ministers	
Other actors involved	Government	Ministry of Finance and Ministry of Economy and Energy with the participation of the civil society	
	Civil society, private sector		
Status quo or problem/issue to be addressed		<p>There is a need to:</p> <ul style="list-style-type: none"> – Improve the effectiveness and efficiency of the fees policy – Achieve effective coordination within the administration and partnership with the business and NGOs on issues related to the fees policy – Ensure transparency and provide conditions for monitoring and control of fees policy implementation 	
Main objective		Good management through a new fees policy, ensuring the avoidance of unjustifiable financial burden to citizens and business. Implementation of efficient and effective social and economic policy by means of fees based on a system of principles and clear rules.	
OGP challenge addressed by the commitment		More Effectively Managing Public Resources Improving public services	
Is it relevant to the advancement of:	Transparency	Accountability	Public participation
	Yes	Yes	Yes
Verifiable and measurable milestones to fulfill the commitment		New or ongoing commitment:	Start date: End date:
1. Draft State Fees Act		New within the initiative	March 2013 September 2014
2. Draft Specialised Methodology for Impact Assessment on introduction and change of state fees		New within the initiative	March 2013 September 2014
3. Draft Methodology for calculation of fees		New within the initiative	March 2013 September 2014
4. Draft Uniform Tariff of Fees		New within the initiative	March 2013 September 2014

4.4. Commitment:			
OPENNESS OF THE ADMINISTRATION			
Use of open data			
Lead Government institutions:	Administration of the Council of Ministers, Ministry of Transport, Information Technology and Communications and all other administrations		
Other actors involved	Government	Yes	
	Civil society, private sector		
Status quo or problem/issue to be addressed	The subject of open data is new for most countries and Governments including Bulgaria. The Bulgarian administration makes focused efforts to increase accountability and transparency in its work by exploiting the opportunities provided by new technologies. Over the next years, in line with the EU policy, further efforts will be required to introduce open data in the administration. The corresponding steps will be made for this process.		
Main objective	To introduce the principles of open data in the work of the administration and to launch initiatives for implementation of open data in dialogue between the non-government sector, the business and the civil society.		
OGP challenge addressed by the commitment	Improving public services Increasing Public Integrity		
Is it relevant to the advancement of:	Transparency	Accountability	Public participation
	Yes	Yes	Yes
Verifiable and measurable milestones to fulfill the commitment	New or ongoing commitment:	Start date:	End date:
<p>1. Amendments and supplementations to the Access to Public Information Act.</p> <p>These amendments are targeted at:</p> <p>Improvement of the openness of and facilitation of access to public information through:</p> <ul style="list-style-type: none"> – Broadening the scope and making the obligation for publishing information more detailed – Strengthening coordination and control for law provisions enforcement – Transposing the Directive 2013/37/EU 	New commitment	2014	July 2015

amending Directive 2003/98/EC on re-use of public sector information – amendments and future actions envisaged			
2. Preparation of technical guidelines for the provision of public information held by institutions in an open format	New commitment	2014	2015
3. Prioritising the information in an open format (registers, reports, etc.) – report on prioritised registers, reports, statistics, etc., which can be provided in an open format	New commitment	2015	2015
4. Starting the procedure for adherence to the Council of Europe Convention on Access to Official Documents	New commitment	2014	2016