

**BULGARIA**

**SELF-ASSESSMENT REPORT OF SECOND NATIONAL ACTION PLAN 2014 - 2016**

**SECOND PLAN OF ACTION OF THE REPUBLIC OF BULGARIA ON THE**

**‘’OPEN GOVERNMENT PARTNERSHIP’’ INITIATIVE**

**April 2017**

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# 1. Introduction and background

The second National Action Plan of the Republic of Bulgaria on Open Government Partnership Initiative was adopted by force of Decision No 530 of the Council of Ministers of 21 July 2014. The commitments and measures in the plan are focused on the following areas: fiscal transparency; legislative changes aimed at improving transparency and accountability in government; establishing better mechanisms for involving the stakeholders (business and civic organizations) in the policy-making processes; providing public information in open format to encourage the administration to apply innovative evidence-based policy-making and to provide an additional channel for civil society in exerting pressure and exercising control on government.

In February 2015, it was decided that the second National Action Plan of Bulgaria be revised by adding new commitments reflecting the new government priorities, reinforcing the expected impact of the measures in the Plan and contributing to the establishment of a sustainable culture of transparency and accountability of the public institutions.

Decision № 503 of the Council of Ministers from 3rd of July 2015 foresees additional measures incorporated in the Plan in connection with the enhancement of high-level public employees’ integrity, better usability of public financial information, application of new technologies in the public procurement process of government acts, more effective work of the Bulgarian courts etc.

Up to the moment of finalizing of the current self-assessment according to Decision №2 of Protocol №12 of the Council of Ministers from 15th of March 2017, the coordination of the Bulgarian membership in the Open Government Partnership initiative has been assigned to the Deputy Prime Minister of the European Funds.

**Тable 1** shows the compliance of the commitments of the Second Action Plan of the Republic of Bulgaria with the main challenges of OGP

| ***Table 1*** | |
| --- | --- |
| **№** | **Commitment** | | **OGP CHALLENGES** | | | | |
| **1. Improving Public Services** | **2. Increasing Public Integrity** | **3. More Effectively Managing Public Resources** | **4.** **Creating Safer Communities** | **5. Increasing Corporate Accountability** |
|  | **Close partnership between administration and civil society** | |  | **Х** |  |  |  |
|  | **Openness, transparency and accountability of government debt management** | | **Х** |  | **Х** |  |  |
|  | **Increasing the accessibility, intelligibility and comprehension of the public information published by the Ministry of Finance (MF)** | | **Х** |  | **Х** |  |  |
|  | **Better management of natural resources** | | **Х** |  |  |  |  |
|  | **Better impact assessment on the normative acts – introducing a “SME test”** | | **Х** |  |  |  |  |
|  | **Civic participation, openness and transparency within drafting a new State Fees Act** | | **Х** |  | **Х** |  |  |
|  | **Open data usability** | | **Х** | **Х** |  |  |  |
|  | **Improving the risk management system of conflict of interests arising** | |  | **Х** |  |  |  |
|  | **Introducing a concept and practice of problem-solving courts in Bulgaria** | | **Х** |  |  |  |  |
|  | **Introduction of an e-procurement system** | | **Х** |  | **Х** |  |  |
|  | **Improving the usability of the published data from the electronic budget payment system (SEBRA)** | |  | **Х** | **Х** |  |  |
|  | **Improving of the ex-post control on awarding and implementing public procurement contracts and introducing a uniform practice of control and accountability** | |  | **Х** | **Х** |  |  |

**Table 2** shows the compliance of the commitments of the Second Action Plan of the Republic of Bulgaria with the values of OGP

| ***Table 2*** | |
| --- | --- |
| **№** | **Commitment** | | **CHALLENGES IN FRONT OF THE INIATIVE “OPEN GOVERNMENT PARTNERSHIP”** | | | |
| **1. Access to information** | **2. Civic participation** | **3. Public Accountability** | **4.** **Technology and innovation for openness and accountability** |
|  | **Close partnership between administration and the public society** | | **Х** | **Х** |  |  |
|  | **Openness, transparency and accountability of government debt management** | |  | **Х** | **Х** |  |
|  | **Increasing the accessibility, intelligibility and comprehension of the public information published by the Ministry of Finance (MF)** | |  | **Х** | **Х** |  |
|  | **Better management of natural resources** | |  | **Х** | **Х** |  |
|  | **Better impact assessment on the normative acts – introducing a “SME test”** | |  | **Х** | **Х** |  |
|  | **Civic participation, openness and transparency within drafting a new State Fees Act** | |  |  | **Х** |  |
|  | **Open data usability** | | **Х** | **Х** | **Х** | **Х** |
|  | **Improving the risk management system of conflict of interests arising** | |  |  | **Х** | **Х** |
|  | **Introducing a concept and practice of problem-solving courts in Bulgaria** | |  |  | **Х** |  |
|  | **Introduction of an e-procurement system** | |  |  |  | **Х** |
|  | **Improving the usability of the published data from the electronic budget payment system (SEBRA)** | | **Х** |  | **Х** |  |
|  | **Improving of the ex-post control on awarding and implementing public procurement contracts and introducing a uniform practice of control and accountability** | |  |  | **Х** |  |

# 2. National Action Plan Process

## А. Consultation during NAP developing:

* Availability of timeline
* Adequate notice
* Multiple channels
* Breadth of consultation
* Documentation and feedback:

In April 2014, the Minister of Regional Development established an inter-ministerial working group with the main task of developing Bulgaria’s second OGP national action plan.

The working group was composed of representatives of the Council of Ministers Administration, Ministry of Regional Development, Ministry of Finance, Ministry of Defense, Ministry of Culture, Ministry of Agriculture and Foods, Ministry of Interior, Ministry of Environment and Waters, Ministry of Economy, Energy and Tourism, Ministry of Justice, Ministry of Transport, Information Technologies and Telecommunications, Ministry of Health, Ministry of Education and Science, and Ministry of Youth and Sports. Representatives of nongovernmental organizations, citizens and other stakeholders were invited to participate in the NAP2 development process.

During the development of the second National Action Plan joint working meetings were held with representatives of NGOs and the members of the inter-ministerial working group at which the civil organizations made proposals for specific commitments and underlying measures to be included in the new NAP. Minutes from the meetings and a summary of the recommendations were drafted following each meeting and disseminated. A weakness of the process was the lack of feedback on the proposals that were not accepted which had demotivating effect in relation to the pro-active involvement of the CSOs.

The recommendations of the independent IRM researcher included in the Assessment Report for the first National Action Plan of Bulgaria 2012-2013 were also taken into account in the development of the second Plan. The public officials discussed each of the recommendations and agreed that only the ones that were feasible should be included in the second Plan.

Proposals for new commitments and specific measures were submitted by the following NGOs: Access to Information Program, NGO Links, Foundation Obshtestvo.BG, an assistant professor at Sofia University, an open data activist, etc. The proposals were mainly related to amendments to the Access to Public Information Act to provide for a proactive release of information as well as to the establishment of an open data portal.

All proposals made were discussed in the joint meetings thus ensuring active collaboration between the administration and the citizens in the development of the Plan. The Plan was then uploaded on the Public Consultations Portal [www.strategy.bg](http://www.strategy.bg), and all stakeholders could make comments and additions to its prior to its approval by the Council of Ministers.

**Challenges:**

1. The collaborative process of developing the OGP Action Plan lacks clear structure which poses obstacles to maintaining a meaningful dialog about the measures in the Plan. The lack of an established consultation procedure in relation to the Plan’s development and monitoring (consultation format, rules for participation, selection criteria, feedback obligations, schedule) creates difficulties for both the administration and the other stakeholders (NGOs, business community). As a result, the involvement of the stakeholders is limited in terms of both quantity, and quality.
2. Bulgaria’s participation in the Open Government Partnership Initiative should be more widely publicized as the initiative remains largely unknown to not only the citizens and the business community, but to some public officials. Traditional communication tools such as email, official letters were used during the development of the Plan but they were not part of a broader and coordinated information campaign involving a variety of communication channels (special events, social media, existing joint forums between the government and civil society) to reach different audiences.
3. The frequent changes of the ministerial OGP contact persons results in lack of consistency in the implementation of commitments laid down in approved strategic documents.
4. Some of the measures included in the second National Action Plan, mostly in the area of fiscal transparency, are ongoing activities of the administration - for instance “Implementation of the Government Debt Management Strategy 2015 -2017”; “Development, approval by the Council of Ministers and implementation of the Government Debt Management Strategy 2015 - 2017”, etc. Efforts should be made to design commitments and measures that are unique for the Initiative which could be one-off actions bringing sustained positive impact in terms of good governance.

## B. Consultation during implementation

Similarly, to the development of the Plan the approach to monitoring and evaluating the Plan implementation still lacks coherence and consistency. Currently it relies on the NGOs and other stakeholders being the proactive party, but given the low level of awareness about the Initiative and the lack of a clear cooperation mechanism a very small number of representatives of CSOs/other stakeholders take part in the monitoring process.

In order to overcome the above weaknesses and challenges the government aims at improving NAT developing process, improving the quality of the public consultations on OGP topics, and increasing the number of stakeholders.

The “Open Government Partnership” department on the Portal for public consultations will be improved in order to be more interactive and to set a better notification system.

## В. Briefly describe the consultation or comment period for the Self-Assessment Report

The interim self-assessment report together with the schedule of the self-assessment process were published on the Public Consultations Portal [www.strategy.bg](http://www.strategy.bg). All stakeholders were able to make comments and proposals within a period of 14 days. The comments and proposals were incorporated into the report.

No consultation carried out within the final report developing process.

# 3. IRM Recommendations

The recommendations made by the independent IRM researcher in the Assessment Report for the first National Action Plan served as a basis for the development of the second Plan. One of the recommendations was for special attention to be paid to the formulation of the commitments and measures and efforts were made to select commitments which are concrete and whose impact is measurable. The members of the inter-ministerial working group discussed the proposals made in the Report and agreed that only the feasible ones should be included in the new plan. Consequently, the following recommendations were laid down as measures in the new plan:

1. Implementing the NGO Development Strategy and establishment of an internal independent funding mechanism for CSOs;
2. Publication of more information about the operation of the consultative councils within the different public institutions.

The independent researcher was also invited to take part in the discussion forums for the new Plan and her contribution was accounted for in the final version of the Plan.

# 4. Implementation of the National Action Plan Commitments

# Commitment 1: Close partnership between administration and civil society

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Commitment Completion Template | | | | | | |
| **Commitment No 4.1**  **CLOSE PARTNERSHIP BETWEEN THE ADMINISTRATION AND CIVIL SOCIETY**  Measure 1. Amendments to the Normative Acts Law  Measure 2. Improved procedure for the participation of citizens and CSOs in public consultations  Measure 3. Amendments to the Non-Profit Legal Entities Act | | | | | | |
| Lead implementing agency | | Council of Ministers Administration | | | | |
| Name of responsible person  from implementing agency | | Iskren Ivanov | | | | |
| Title, Department | | Head of Regulatory Impact Assessment Unit, Modernization of the administration Directorate at the Council of Ministers Administration | | | | |
| Email | | is.ivanov@government.bg | | | | |
| Phone | | +359 2 940 2093 | | | | |
| Other  actors  involved | Government | * Ministry of Justice * Council of Ministers Administration * central administration | | | | |
| CSOs, private  sector, working  groups,  multilaterals | * Institute for Market Economy * Center for Impact Assessment of Legislation * Bulgarian Center for Non-Profit Law * Transparency International * Open Society Institute | | | | |
| Main Objective | | * Increased participation of citizens in the decision-making process; * Improved partnership between the administration, civil society and businesses via well-functioning consultative councils which actively publicize their work. | | | | |
| Brief Description of  Commitment | | 1. Amendments to the Normative Acts Law:   * Proportional adaptation of the compulsory consultation period from 14 to 30 days according to the significance of the issue and the stakeholders and following the best European practice; * Involving civil society at an early stage of the legislative process via introducing the practice of impact assessment for new legislation;   2. Improved procedure for citizen and CSO participation in public consultations:   * Publishing online information about: composition of the councils, invitations, agenda, minutes, decisions taken, regular reports - on the consultative councils portal – [www.saveti.government.bg](http://www.saveti.government.bg); * Clear rules and procedures, criteria for selection of NGO representatives in the councils;   3. Amendments to the Non-Profit Legal Entities Act – establishment of Civil Society Development Council in accordance with the Civil Society Development Strategy 2012-2015. | | | | |
| Relevance | | 1. The Bill for Amendments to the Normative Acts Law contributes significantly to achieving the OGP objectives.  The increased period for public consultations opens new opportunities for citizen participation, transparency and accountability.  The new obligation provided in the law for the public institutions to publish draft legislation/regulation on one single web site (the Public Consultations Portal) not only facilitates participation and increases transparency, but puts the focus on innovative tools to be used in the interaction between civil society and the public authorities.  The provision for drafting and publishing online of feedback on the contributions by the participants in the public consultations fully reflects the OGP objectives as well.  2. Improved procedure for citizen participation in public consultations: [www.saveti.government.bg](http://www.saveti.government.bg)  - The publication of up-to-date information about the composition and work of the councils and the establishment of clear rules for the involvement of CSOs meets all OGP objectives - transparency, accountability, citizen participation and technological innovation.  3. The amendments to the Non-Profit Legal Entities Acts also fulfill the OGP objectives as they are designed to facilitate the institution of civic organizations and ensure greater transparency of the government policies for the development of civil society. | | | | |
| Ambition | | 1. The Bill on Amendments to the Normative Acts Law aims to improve the process of drafting, co-ordination and adoption of legislative acts through Impact Assessment. Reason for that is the fact the impact assessment is influential for the level of transparency of the institutions and the increase in the civil participation in the decision-taking process.  The extended period for public consultations creates more opportunities for the citizens and their organizations to participate and make full use of the existing expertise and capacity and hence results in better quality positions on the proposed legislation and policies.  The obligation for the executive authorities to publish all draft legislation/regulation in one single point (the Public Consultations Portal) provides the public with multiple tools for monitoring the government, conducting analyses and disseminating information to the stakeholders concerning the policies implemented.  The obligation to publish feedback on the contributions received increases the credibility of the institutions thus stimulating active participation in the public consultations. On the one hand, the accountability of the administration and the transparency in the decision-taking process increases. On the other hand, an incentive for further participation of the public sector in the process of public consultations is created.  2. Improved procedure for citizen participation in public consultations: www.saveti.government.bg  - The publishing of updated information about the membership and the activity of the council contributes improved accountability and transparency of the administration and creates an opportunity for civil participation and better awareness of the interested parties.  - Creation of clear rules, procedures and criteria for electing/appointing of civil organizations representatives in the consultancy and public councils will lead to a unified approach in the partaking of the civil society in consultancy and it will secure fairness for the third sector in the decision-making process.  3. The amendments to the Non-Profit Legal Entities Act – the amendments provide rules for participation of the NGOs in Council for Development of Civil Society Civic Initiatives Support Fund.  - The changes will make it possible for NGOs to participate in the policy-making and financing processes.. | | | | |
| Completion level | | Not started | Limited | Substantial | Completed |  |
|  |  | Х |  |  |
| Description of the results | | A task force comprised of representatives of the executive and legislative branches and civil society experts has developed the Bill for amendments to the Normative Acts law. An impact assessment of the Bill was carried out and published and the Bill was presented for public consultation accompanied by all additional documents such as the composition of the task force, the impact assessment report, the rationale for the proposed amendments, etc. The Draft Bill provides for obligatory impact assessments to be carried out for all proposed new legislation and lays down requirements for improved public consultation process through:   * extended period for public consultations on draft legislation from 14 to 30 days; * imposing an obligation for the executive authorities to conduct online public consultations in one single point - the Public Consultation Portal; * imposing obligation to provide feedback on all online contributions in the public consultations.   2. The Draft Bill for amendments to the Non-Profit Legal Entities Act was published for consultation on the Public Consultations Portal together with partial impact assessment and several public events were held to discuss the proposed changes. The events were organized together with civil society organizations. | | | | |
| End date | | 2016 г. | | | | |
| Next steps | |  | | | | |
| Additional information | | | | | | |
| The Bill on Amendments to the Normative Acts Law has been issued in the State Gazette №34, 2016 - in the reporting period. It comes into power on 4th of November 2016 and the respective secondary legislation was adopted with Ordinance № 301 of the Council of Ministers for 2016 (in power since November 18, 2016) – after the reporting period, but within the year of 2016. On that base, the status of this particular measure is considered as “completed”.  The Bill on Amendments to the Non-Profit Legal Entities Act has been issued in State Gazette №74 from September 20, 2016 – after the reporting period, but within the year of 2016. The Law comes into power on January 1, 2018. On that base, the status of this particular measure is consider as “Substantial”.  The process of publishing the information related to councils to the platform [www.saveti.government.bg](http://www.saveti.government.bg) has being improved constantly. | | | | | | |

# Commitment 2: Openness, transparency and accountability of government debt management

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| --- | --- | --- | --- | --- | --- | --- |
| Commitment Completion Template | | | | | | |
| **Commitment No 4.2**  **IMPROVING PUBLIC SERVICES AND THE LEGISLATIVE FRAMEWORK**  Open process of government debt management Measure 1. Implementation of the Government Debt Management Strategy; Measure 2. Development and adoption of new Strategy for 2015-2017;  Measure 3. Publication on the website of the Ministry of Finance of a Government Debt Newsletter  Measure 4. Annual review of government debt  Measure 5. Publication of official data on consolidated debt and the state guarantees | | | | | | |
| Lead implementing agency | | Ministry of Finance | | | | |
| Name of responsible person  from implementing agency | | Vanya Vacheva | | | | |
| Title, Department | | Head of Strategies, analyses and statistical reports Unit, Government Debt and Financial Markets Directorate | | | | |
| Email | | [v.vacheva@minfin.bg](mailto:v.vacheva@minfin.bg) | | | | |
| Phone | | +359 2 9859 2474 | | | | |
| Other  actors  involved | Government | Yes | | | | |
| CSOs, private  sector, working  groups,  multilaterals | Yes | | | | |
| Main Objective | | Publication and granting access to the documents and data relating to government debt management and increasing transparency in relation to the debt management policy of the government. | | | | |
| Brief Description of  Commitment | | The Government Debt Management Strategy is developed as per art.16, para 1 of the Government Debt Act and is updated annually as per Art.72 of the Public Finances Act. Its main function is to outline the government debt management policy and the instruments for its implementation.  According to the latest amendments to the 2016 Public Finance Law, the Government Debt Management Strategy shall be elaborated every year in the period of the relevant medium-term budget forecast and shall be approved by the Council of Ministers until 31 October (Article 77 of the Public Finance Law). The provisions help to address the mismatch between the time frame of the Government Debt Management Strategy, the papers elaborated during the budgetary procedure (including the medium-term budget forecast and the draft budget law) and the Convergence Programme of the Republic of Bulgaria.  The monthly government debt newsletter represents a monthly report containing an analysis of the status, structure and evolution of government debt and state guarantees for the preceding month and contains comparative data visualized in tables and figures.  The official Review of Government Debt is a compilation of analyses of different scope and content, tables and graphs, providing comprehensive information about the status, structure and evolution of government debt for a period of one year.  The documents are drafted and published on paper and on the web site of the Ministry of Finance | | | | |
| Relevance | | The implementation of this commitment contributes to ensuring a high level of transparency, accountability, and predictability of the government debt management policies as well as unrestricted access for the stakeholders to the full information regarding the status and dynamics of government debt. | | | | |
| Ambition | | Citizens and stakeholders were provided with timely and accurate information about the government debt management policy. | | | | |
| Completion level | | Not started | Limited | Substantial | Completed |  | |
|  |  | X |  |  | |
| Description of the results | | The development of a Government Debt Management Strategy incorporates a number of stages resulting in the following specific outcomes:   * analysis of the key macroeconomic indicators; * analysis of the status and trends on the domestic and international capital markets; * analysis and assessment of the risks associated with the debt structure and the environment.   The publication of a monthly newsletter, annual review and information on consolidated debt on the website of the Ministry of Finance requires:  - ongoing monitoring of the amount, structure and evolution of government debt and guarantees;  - aggregation of data and compilation of datasets;  - comparative analysis;  - periodic summary and processing of data. | | | | |
| End Date | | Ongoing as per the provisions of the law | | | | |
| Next Steps | |  | | | | |
| Additional information | | | | | | |

# Commitment 3: Increasing the accessibility, intelligibility and comprehension of the public information published by the Ministry of Finance (MF)

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Commitment Completion Template | | | | | | |
| **Commitment No 4.2**  **IMPROVING PUBLIC SERVICE AND LEGISLATIVE FRAMEWORK**  Measure 1.Survey among users relating to the usability and intelligibility of the information published by the Ministry of Finance  Measure 2. Developing a concept for increasing the usability of the information published by the MF  Measure 3. Implementation of the concept | | | | | | |
| Lead implementing agency | | Ministry of Finance | | | | |
| Name of responsible person  from implementing agency | | Nadezhda Kasabova, Chief Expert  Lilia Arabadjiiska, Junior Expert | | | | |
| Title, Department | | Public Relations Unit, Public Relations and Protocol Directorate | | | | |
| Email | | [n.kasabova@minfin.bg](mailto:n.kasabova@minfin.bg) ; [l.arabadzhiyska@minfin.bg](mailto:l.arabadzhiyska@minfin.bg) | | | | |
| Phone | | +359 2 9859 2085  +359 2 9859 2034 | | | | |
| Other  actors  involved | Government | Yes | | | | |
| CSOs, private  sector, working  groups,  multilaterals | Yes | | | | |
| Main Objective | | Increased accessibility, intelligibility and understanding of the information published by the MF. | | | | |
| Brief Description of  Commitment | | The commitment includes the conduction of a survey among users to assess the accessibility and intelligibility of the information published by the MF, technological upgrade and improved content of the official website of the Ministry of Finance. | | | | |
| Relevance | | The objective as relating to improving public services and more effective management of public funds was to develop a concept containing specific measures towards increased accessibility and intelligibility of the information published by the MF. In November 2014 a concept was developed for the overhaul of the MF website involving adaptation of the graphic design to ensure compatibility with the new browser versions, including compatibility with mobile devices; update of the content structure in accordance with the new legislation; further development of the “Buyer Profile” module in compliance with the new provisions of the Public Procurement Act (in force from 1 October 2014) and introduction of a new Open Data section in view of the upcoming amendments to the Access to Public Information Act providing for the release of public information in open format. | | | | |
| Ambition | | The complete overhaul of the website is an ambitious task of the unit responsible for the MF website as it entails taking into account the changing needs of the users and ensuring easy and immediate access to a wide variety of data with different specificity. Improving website functionality and the intelligibility of information is an ongoing process which involves constant monitoring and processing of user feedback to further enhance the content and usefulness of the information. | | | | |
| Completion level | | Not Started | Limited | Substantial | Completed |  |
|  |  |  | X |  |
| Description of the results | | At the beginning of January 2015 a survey was published on the MF website aimed at collecting feedback and proposals from the users for improvement of the official site and facilitate access to information for the citizens and businesses~~.~~ The survey was open to users by end-July 2015.  As of 8 July 2015 the new website of the Ministry of Finance was officially launched. It boasts a user-friendly design which is developed in such a way as to adapt to the device used and fit content to the respective resolution - the website is developed to fit the screen width. An entirely new mobile version of the site was deployed for users who prefer to browse via smartphones.  The visual design of the website includes new color schemes and new menus. New and important information previously hidden in the site pages is now published on the landing page.  A separate section “Draft Legal and Other Acts” is created allowing the users easy access to public consultations and making it easier for them to submit their comments and proposals. This section is aimed at encouraging the participation of citizens, businesses and CSOs in the policy-making and legislative process. The existing legislation is systematized in a new section of the website “Legal framework” where users can search for documents by type.  The Services section is separated by an individual button and includes a list of specific services provided by the MF as well as contact information with the responsible unit. The Contacts section contains the phone numbers and emails of all directorates and contact details for the Minister. There is also a button Reporting Methodology on the landing page which will further contribute to providing accessible, well-organized and understandable information.  **A new Open Data section** is also created with data of the daily budget payments. Data in open format from the Central Municipal Debt Register is expected to be uploaded in this section. | | | | |
| End Date | | July 2015 | | | | |
| Next Steps | | Regular publication of information in the Central Municipal Debt Register, and expanding the scope of the published information about the financial status of municipalities. | | | | |
| Additional information  As of 31.12.2016 macroeconomic forecast data were published in the section in a csv. format, i.e. data prepared twice a year. | | | | | | |

# Commitment 4: Better management of natural resources

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Commitment Completion Template** | | | | | | |
| **Commitment No 4.2**  **IMPROVING PUBLIC SERVICES AND THE LEGISLATIVE FRAMEWORK**  **Measure 1: Adoption of amendments to the Mineral Resources Act**  **Measure 2: Adoption of secondary legislation regulating the terms and conditions for controllingand reporting on the control outcomes in relation to the permits and concession contracts for prospecting and extraction of mineral resources** | | | | | | |
| Lead implementing agency | | Ministry of Energy | | | | |
| Name of responsible person  from implementing agency | | Tsveta Mileva | | | | |
| Title, Department | | Senior Inspector in Mineral Resources and Concessions Directorate | | | | |
| Email | | ts.mileva@me.government.bg | | | | |
| Phone | | +359 2 926 31 57 | | | | |
| Other  actors  involved | Government | Yes | | | | |
| CSOs, private  sector, working  groups,  multilaterals | The CSOs and businesses were consulted during the public consultation for the amendments to the Mineral Resources Act  Multilaterals were involved as the Act transposes an EU Directive | | | | |
| Main Objective | | Providing information about the extractive waste facilities, about events related to such facilities and about their environmental impact, about the procedures for issuing permits for category A extractive waste facilities and about the permits issued and the operators or the facilities; establishing mechanisms for citizen participation in the procedures for issuing the above permits;  transparency of the control activities related to the permits for prospecting and extracting mineral resources. | | | | |
| Brief Description of  Commitment | | Adoption of legislative changes aimed at achieving the above objectives. | | | | |
| Relevance | | Measure 1:  pursuant to Art.22e, para 6 of the amended Mineral Resources Act the Minister of Energy shall maintain a public register of the operators and permits for category A extractive waste facilities providing access to this data and allowing the public to monitor the work of the administration in that area thus contributing to greater transparency and accountability;  pursuant to Art.22m, para 5 and 6 of the amendments to the Mineral Resources Act the Minister of Energy shall compile, publish on the website of the Ministry and update a list of closed extractive waste facilities, including abandoned facilities, which pose serious threats to the environment or which are likely in the mid-term or short-term to pose threat for human health or the environment;  pursuant to Art.22j when an application for a permit or for re-issuance of a permit for extractive waste facility is submitted the Minister of Energy shall provide access to the data in the application and create opportunities for the stakeholders and the local communities to participate in the issuance/re-issuance procedure by filing comments, questions and opinions. The provision of Art.22j of the amended Mineral Resources Act establishes a mechanism for citizen participation in the administrative procedure and improves the openness of the decision-making process.  Measure 2:  Laying down the specific terms and conditions for controlling the prospecting and extracting permits and concession contracts results in more transparent and accountable controlling institutions. The obligation to keep a public registry of the control outcomes ensures that the stakeholders have access to the data and could monitor more effectively the controlling body. Such a procedure is currently in place as laid down in the Concession Contracts Act but the new regulation is expected to contribute to better achieving the above objectives. | | | | |
| Ambition | | Both measures are aimed at increasing transparency by providing access to information and encouraging the citizens to take more active part in the management of mineral resources, including extractive waste. Given that the mineral resources, including extractive waste, are located all over the country the new amendments contribute to stimulating participation by the local communities with respect to an issue that is sensitive to the citizens. The more active public control will in turn lead to more effective government policies in the area of mineral resources management. | | | | |
| Completion Level | | Not Started | Limited | Substantial | Completed | Note: |
| Measure 1 | |  |  |  | X |  |
| Measure 2 | | X |  |  |  | Bearing in mind that new amendments to the MRA are considered, a decision is to be taken as to whether to draft a new regulation (Ordinance) or include the planned provisions relating to the control of the permits for prospecting and extracting mineral resources in the amended Law itself. |
| Description of the results | | Measure 1: The Draft Bill for amendments to the Mineral Resources Act was adopted by Parliament on 9 July 2015 and promulgated in the State Gazette on 24 July 2015/ SG No 56. The amendments took force on the date of their publication in the State Gazette. At this stage it is early to assess the impact and the benefits of the new provisions. | | | | |
| End Date | | Measure 1: 24.07.2015  Measure 2: no deadline can be given at present | | | | |
| Next Steps | | Re Measure 2: Drafting of a Bill for amendments to the Mineral Resources Act to include the provisions relating to the control of prospecting and extracting permits and the publicity of the control outcomes. | | | | |
| Additional information | | | | | | |
| Re Measure 2: Drafting of a Bill for amendments to the Mineral Resources Act to include the provisions relating to the control of prospecting and extracting permits and the publicity of the control outcomes. | | | | | | |

# Commitment 5: Better impact assessment on the normative acts – introducing a “SME test”

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| **Commitment Completion Template** | | | | | | |
| **Commitment No 4.2**  **IMPROVEMENT OF PUBLIC SERVICES AND LEGISLATIVE FRAMEWORK**  **Measure 2. Draft SME-Test Methodology**  **Measure 3. SME-Test Form** | | | | | | |
| Lead implementing agency | | Ministry of Economy | | | | |
| Name of responsible person  from implementing agency | | Milka Andreeva | | | | |
| Title, Department | | Chief Expert in the Economic Policy Directorate | | | | |
| Email | | m.andreeva@mee.government.bg | | | | |
| Phone | | +359 2 940 7534 | | | | |
| Other  actors  involved | Government |  | | | | |
| CSOs, private  sector, working  groups,  multilaterals |  | | | | |
| Main Objective | | Impact Assessment of new legislation on SMEs | | | | |
| Brief Description of  Commitment | | A key element of good regulation is carrying out impact assessment for new legislation. The impact assessment of new legislation on SMEs is a special type of analysis designed to evaluate the effects from new primary and secondary legislation on small and medium enterprises. This special assessment is called SME-test and is made integral part of the overall impact assessment. The Ministry of Economy drafted a Concept for the Implementation of SME-test and a graphic visualization of the SME-test mechanism and processes; and guidelines for the implementation of SME-test including a template form where the required data is systematized. | | | | |
| Relevance | | The SME-test meets the objective of improving public services by reducing the administrative burden for businesses. | | | | |
| Ambition | | The obligation to conduct an SME-test as part of the overall impact assessment for new legislation is key element of the efforts of the government to improve the business environment. It addresses the pressing need for systematic analysis of the effects of new legislative proposals on the small and medium enterprises. | | | | |
| Completion Level | | Not Started | Limited | Substantial | Completed |  |
|  |  |  | Х |  |
| Description of the results | | The SME - test is included by force of Decision No 549 of the Council of Ministers of 29.07.2014 into the Guidelines for carrying out impact assessments.  The Ministry of Economy has developed a methodology and schedule for implementation of impact assessment test of regulations on small and medium-sized enterprises, which is an inseparable part of the overall impact assessment. The methodology for implementation of SME test is part of the Guide for impact assessment of legislation, adopted by Decision № 549 of the Council of Ministers on July 25, 2014.  In 2015, an interdepartmental working group with the participation of representatives of the Ministry of Economy developed a draft Law amending the Law on Statutory Act, which was approved by the Council of Ministers.  In 2016, the National Assembly adopted amendments of the Law on Statutory Act, into force from November 4, 2016, under which all drafts of legislative regulations have to be accompanied by a preliminary impact assessment.  In accordance with the Regulation on the scope and methodology for conducting impact assessment, adopted by Decree № 301 on 11.14.2016, which entry into force is from 18.11.2016, the partial impact assessment includes mandatory study of the impact on small and medium-sized enterprises, and complete preliminary impact assessment is carried out in substantial changes in legislation, including SME test for the impact on small and medium-sized enterprises. | | | | |
| End Date | | 2016 | | | | |
| Next Steps | | Providing training and support to the administration in order to implement SME test as part of the Impact Assessment. | | | | |
| Additional information:  Adoption of the amendments to the Normative Acts Law by Parliament and drafting of secondary legislation which includes the Methodology for conducting SME-test and the SME-test form. Inclusion of an SME-test obligation in the Internal Rules of Parliament. Conduction of trainings and provision of technical assistance to the administrative units for carrying out SME-tests. | | | | | | |

# Commitment 6: Civic participation, openness and transparency within drafting a new State Fees Act

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| Commitment Completion Template | | | | | | |
| **Commitment No 4.3**  **MORE EFFECTIVE MANAGEMENT OF PUBLIC RESOURCES**  Measure 1. Draft Bill of a State Fees Act  Measure 2. Draft Methodology for Impact Assessment when Introducing New or Updating State Fees  Measure 3. Draft Methodology for Setting State Fees  Measure 4. Draft Uniform Fee Tariff | | | | | | |
| Lead implementing agency | | Council of Ministers Administration | | | | |
| Name of responsible person  from implementing agency | | - | | | | |
| Title, Department | | - | | | | |
| Email | | - | | | | |
| Phone | | - | | | | |
| Other  actors  involved | Government | Ministry of Finance  Ministry of Economy | | | | |
| CSOs, private  sector, working  groups,  multilaterals |  | | | | |
| Main Objective | | Good governance through a new state fees policy providing for avoidance of unjustified financial charges for the citizens and the businesses. Implementing an effective and efficient social and economic policy by setting fees based on clear rules and procedures. | | | | |
| Brief Description of  Commitment | | Under this commitment a Draft Bill of a State Fees Act and the related secondary legislation shall be drafted introducing the cost-based principle for setting government fees thus reducing the financial burden for businesses and citizens and laying down clear publicly announced rules and procedures for imposing government fees hence ensuring predictability for the users of the government services. | | | | |
| Relevance | | The establishment of clear, uniform and public rules for setting government fees following a cost-based principle relates directly with the OGP objectives of providing access to information, improving the accountability of public institutions and increasing the openness of government. The changes planned to the State Fees Act and the secondary legislation thereto create opportunities for more effective control by the citizens and businesses during the procedure for setting fees and contribute to preventing negative practices such as imposing arbitrary fees exceeding the cost for the service. This in turn will result in a more accountable administration, reduced financial burden for citizen and businesses and improved public services. Laying down legal provisions for publicity of the methodology used for determining the government fees and for the amount of the fees is instrumental in overcoming the bad practice of the different institutions of charging different fees for the same services which limits the access to the services and increases the corruption risk. | | | | |
| Ambition | | The drafting and adopting of a comprehensive package of legislation relating to government fees creating guarantees that the state fee policy is coherent and consistent is an ambitious task requiring an in-depth analysis of the existing situation, outlining the shortcomings of the current policy and crafting sustainable solutions to the problems. As a result, a uniform standardized approach to determining and imposing government fees will be put in place. It will on the one hand ensure increased effectiveness of the public administrations in providing public services, better management of the service costs, and on the other, it opens opportunities for improved control by the citizens and businesses and the establishment of a predictable public environment. | | | | |
| Completion Level | | Not Started | Limited | Substantial | Completed |  |
|  | X |  |  |  |
| Description of the results | | During the reporting period the following activities were implemented resulting in the following outputs: Concept for a new policy on government fees; Comprehensive review of the existing legislation on government fees in Bulgaria; Methodology for analyzing the fees; Legal, financial and economic analysis of the fees, Analyses of good practices in 7 European countries; Impact assessment for the State Fees Concept; Draft Bill for a State Fees Act; Methodology for determining government fees on a cost-based principle; Special methodology for carrying out impact assessment for new or updated fees; Uniform tariff of government fees broken down by types of services. All the documents were published on the Public Consultations Portal strategy.bg and on the Conusltative Councils Portal  <http://www.saveti.government.bg/>. | | | | |
| End Date | | 2016 | | | | |
| Next Steps | | Draft Bill is about to be submitted for approval by the Council of Ministers and filed with Parliament. | | | | |
| Additional information | | | | | | |
| The risk for implementation of the commitment is related to occurring a delay of adoption of the bill by the government and parliant. | | | | | | |

# Commitment 7: Open data usability

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| Commitment Completion Template | | | | | | |
| **Commitment No 4.4**  **OPEN ADMINISTRATION**  Measure 1. Amendments to the Access to Public Information Act  Measure 2. Drafting technical guidelines for releasing public information in open format  Measure 3. Prioritization of the datasets to be open  Measure 4. Starting a procedure for accession the Convention on Access to Official Documents of the Council of Europe | | | | | | |
| Lead implementing agency | | Council of Ministers Administration | | | | |
| Name of responsible person  from implementing agency | | Nusha Ivanova | | | | |
| Title, Department | | chief expert in Regulatory Impact Assessment Unit, Modernization of Administration Directorate | | | | |
| Email | | n.ivanova@government.bg | | | | |
| Phone | | +359 2 940 2445 | | | | |
| Other  actors  involved | Government | * Council of Ministers Administration * Ministry of Transport, Information Technologies and Communications * all other administrations | | | | |
| CSOs, private  sector, working  groups,  multilaterals | Representatives of CSOs:   * Access to Information Program * Obshestvo.bg * NGO Links * Institute for Development of the Public Environment | | | | |
| Main Objective | | Applying open data in the work of the public sector organizations. More effective dialog with the NGOs, businesses and media with a view of improving the processes relating to the access to and provision of public sector information. | | | | |
| Brief Description of  Commitment | | 1. Laying down legal provisions for open data and more specifically transposing Directive 2013/37/ЕС.  2. Drafting of technical guidelines for releasing public information in open format.  3. Prioritization of the datasets to be open (registers, reports, etc.) – report containing the prioritized list of datasets to be open;  4. Starting the procedure for Bulgaria’s accession to the Convention on Access to Official Documents of the Council of Europe. | | | | |
| Relevance | | 1. Improving the process for provision of public information by creating an environment and technical capability to release data in open, machine-readable format;  2. Standardizing publication by drafting technical guidelines for the release of public information, including an obligation for regular information updates;  3. Amendments were submitted for approval in Parliament which improve the mechanisms for requesting public information. More specifically the APIA amendments provide for the establishment of an Access to Public Information Platform to be launched in June 2016. Every public institution shall publish the information requests, the responses and the information provided per each request on the Platform.  4. Improving citizen participation by carrying out surveys among citizens and businesses to determine priority datasets to be open and by creating a mechanism for online submission of requests for information via the Open Data Portal;  5. Open format allows for easier processing of information and development of innovative applications, visualizations and software products. | | | | |
| Ambition | | Significant progress is expected in:  1. Establishing technical capabilities for reuse of public information and publication of well-structured good-quality data;  2. Addressing the need to improve the data exchange processes and increase the awareness of both the administrative units and citizens about open data and the opportunities to request public data in open, machine-readable format with the related metadata meeting official open data standards.  3. Priority publishing of datasets that are of greatest public importance and orienting the prioritization towards the needs of citizens and businesses in order to improve the effectiveness and openness of government and generating considerable social and economic benefits. | | | | |
| Completion Level | | Not Started | Limited | Substantial | Completed |  |
|  |  |  | X |  |
| Description of the results | | I. Laying down legal provisions for the open data initiative:  The Amendments to the Access to Public Information Act (APIA) aim to:  • Transpose Directive 2013/37/ЕС of the European Parliament and of the Council on the reuse of public sector information;  • Establish improved procedures and mechanisms for providing public sector information and for reuse of public data;  • Apply principles and rules for the publication of public sector information in open format.  The amendments provide for:  1. An obligation for the public sector organizations to publish the information they collect in open, machine-readable format allowing for reuse together with the respective metadata. Legal rights to freely use and reuse the information for commercial and noncommercial purposes.  2. An obligation for the data to be published on the Open Data Portal.  3. An obligation for the information to be prioritized to meet the needs of citizens and businesses;  II. Technical guidelines for provision of information in open machine-readable format.  Guidelines were issued to all administrations relating to the requirements for the datasets to be uploaded on the Open Data Portal. More detailed guidelines will be drafted and included in the secondary legislation following the adoption of the amendments to APIA.  III. Prioritization of public sector datasets to be published in open format:   * In accordance with Decision No 103 of the Council of Ministers of 17 February 2015 a Priority List of Datasets to be published in open format was approved. * The Council for Administrative Reform (comprised of all government ministers) adopted a Timeline for the gradual release of the datasets from the Priority List. According to the Timeline a total of 119 datasets will be open by the end of 2015. To date (30 September 2015) the number of datasets available to citizens and businesses on the portal are appr. 80. * At its meeting held on 15.07.2015 the Council of Ministers approved a Progress Report on the release of the 119 datasets specified in Decision No 103 of 2015. As of 10 July 2015 31 administrative units published 79 datasets in open format with 79 of those being included in the List and 24 were published on the initiative of the administrative units themselves. * A Priority List of Datasets to be published in open format in 2016 was approved by Council of Ministers (Decision No 214 of 2016). * An Ordinance for standard conditions for reuse of public information and its publication in open format was adopted by Council of Ministers in June, 2016.   IV. The procedure for Bulgaria’s accession to the Convention on Access to Official Documents of the Council of Europe has not started. | | | | |
| End Date | | 2016 | | | | |
| Next Steps | | 1. Drafting Tariff for the APIA fees and Methodology for establishing transparent and measurable criteria for determining the fees;  2. Technical improving of the Open data Portal. | | | | |
| Additional information | | | | | | |
| Applying open data initiative is facilitated by the lack of full access to public information for citizens.  The challenges relate to the need to improve the capacity of the administration and improving the functionalities of the Open data Portal as currently automatic update of data is not possible. Special attention is to paid to encouraging citizens and businesses to get more actively involved in the prioritization process and in using the published data. Efforts will be made to identify the difficulties that the users encounter with the published data. Events will be organized to promote the products produced based on open data by the citizens and businesses. | | | | | | |

# Commitment 8: Improving the risk management system of conflict of interests arising

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| Commitment Completion Template | | | | | | |
| Improving the system to manage the risk of arising conflict of interests | | | | | | |
| Lead implementing agency | | Ministry of justice  Council of Ministers Administration | | | | |
| Name of responsible person  from implementing agency | | - | | | | |
| Title, Department | | - | | | | |
| Email | | - | | | | |
| Phone | | - | | | | |
| Other  actors  involved | Government | yes | | | | |
| CSOs, private  sector, working  groups,  multilaterals |  | | | | |
| Main Objective | | Achieving a higher degree of prevention of conflicts of interest. | | | | |
| Brief Description of  Commitment | | Introducing a new structure for handling conflicts of interest and property declarations based on the principles of:   * Establishing a full e-processing of both types of declarations; * Obligation for all civil servants for e-submitting of declarations; * Expanding the types of information collected through declarations; * Assigning responsibility for collecting and initial processing of the declarations for the inspectorates and of the regional administrations; * Empowering National Revenue Agency to audit the information declared by the civil servants. | | | | |
| Relevance | | Implementing the commitment contributes to increasing the trust in public institutions via enhancing the transparency and accountability of senior public officials. | | | | |
| Ambition | | Enhancing transparency, accountability and participation of the society through:   * full e processing of the two types of declarations; * expanding the types of information collected through the declarations; * empowering National Revenue Agency to audit the information declared by the civil servants. | | | | |
| Completion Level | | Not Started | Limited | Substantial | Completed |  |
|  | Х |  |  |  |
| Description of the results | | The commitment measures were included in the draft of new Law on the Prevention of Corruption and the Removal of Unlawfully Acquired Property.  The bill has been approved by the Council of Ministers and submitted for consideration by the National Assembly in July, 2016.  Within the reporting period the law was not adopted. | | | | |
| End Date | | 2016 г. | | | | |
| Next Steps | | Engagement 5.1.2. "Implementation of the Universal CIS" Corruption Risk Analysis "of the Third National Action Plan under the" Open Government Partnership "initiative.  t is envisaged that CISIS "Corruption Risk Analysis" will be a system implemented at both central and sectoral level, which will automatically analyze corrupt risk associated with officials by combining information from many sources and registers and allowing periodic and Ad-hoc inspections. | | | | |
| Additional information | | | | | | |
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# Commitment 9: Introducing a concept and practice of problem-solving courts in Bulgaria

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| Commitment Completion Template | | | | | | |
| Implementation of concept and practices of problem-solving courts in Bulgaria | | | | | | |
| Lead implementing agency | | Ministry of Justice  Council of Ministers | | | | |
| Name of responsible person  from implementing agency | | Elena Furnadzhieva | | | | |
| Title, Department | | state expert in Council of Legislation directorate at Ministry of justice | | | | |
| Phone | | +359 2 923 74 40 | | | | |
| e-mail | | e\_furnadjieva@justice.government.bg | | | | |
| Other  actors  involved | Government | yes | | | | |
| CSOs, private  sector, working  groups,  multilaterals |  | | | | |
| Main Objective | | Considering the courts as an organization in a particular social context, especially first-instance courts. | | | | |
| Brief Description of  Commitment | | The commitment aims at building skills for judges for proper treat of the representatives of various vulnerable social groups (e.g. children, drug addicts, people suffering from mental illness, etc.) involved in the trial.  The commitment provides for the development of a methodology for the work of judges with vulnerable social groups based on empirical research and knowledge provided by American experts and judges in "Problem-solving courts" context. | | | | |
| Relevance | | Implementing the commitment contributes to increasing the trust in courts. | | | | |
| Ambition | | The commitment is aimed at increasing the trust in courts by building specific skills in judges. The ambition is the perception og “technocratic" and "the letter of the law" judging of Bulgarian court to be overcome.  The consequences of a court ruling goes beyond the boundaries of the court thus courts should be more integrated with the other local public ensuring the effective protection of vulnerable social groups in the areas of health, social work, public order, education, culture, etc. | | | | |
| Completion Level | | Not Started | Limited | Substantial | Completed |  |
|  | Х |  |  |  |
| Description of the results | | The implementation of the commitment regards to adoption of a new Law on the Departure from Criminal Proceedings and the Imposition of Educational Measures on Minors.  The Bill went public consultations phase in the period of 27 September 2016 – 12 October 2016.  A legal expertise and support has been requested from the Council of Europe. | | | | |
| End Date | | 2016 | | | | |
| Next Steps | |  | | | | |
| Additional information | | | | | | |

# Commitment 10: Introduction of an e-procurement system

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| Commitment Completion Template | | | | | | |
| Introduction of an e-procurement system   * Amendments to the Public Procurement Law regulating the electronic conduct of public procurement procedures * Introduction of a national single e-Procurement Portal with gradual introduction at different stages of the electronic award process * Introduction of an electronic announcement module | | | | | | |
| Lead implementing agency | | Ministry of Finance, Public Procurement Agency | | | | |
| Name of responsible person  from implementing agency | | Dafinka Velcheva | | | | |
| Title, Department | | chief expert in Procurement Register and Monitoring Directorate | | | | |
| Email | | d.velcheva@aop.bg | | | | |
| Phone | | +359 2 9859 7166 | | | | |
| Other  actors  involved | Government | Council of Ministers Administration  State Agency for e-government | | | | |
| CSOs, private  sector, working  groups,  multilaterals | National Association of Municipalities in the Republic of Bulgaria | | | | |
| Main Objective | | Easier access, less red tape requirements and costs for participation of businesses in public procurement procedures and enabling effective public control in order to prevent abuse | | | | |
| Brief Description of  Commitment | | PPA commitments envisaged in Bulgaria’s second action plan under the Open Government Partnership Initiative:   * Introduction of an e-procurement system – E-procurement is part of the modernisation of procurement policies and rules and refers to the use of e-communications within public sector organisations when purchasing goods and services or in construction and it will be introduced gradually; * Selection of a centralised model of e-procurement platform; * Introduction of an electronic announcement module. | | | | |
| Relevance | | Effective spending of public funds, enhancing competition and making the access to public procurement information in Bulgaria easier. | | | | |
| Ambition | | - Selection of a national decision for e-procurement in order to make the procurement process automatic and standardised;  - Enhancing the integrity of public institutions and improving the business environment;  - An objective and transparent process of bid evaluation and contract award. | | | | |
| Completion level | | Not started | Limited | Substantial | Completed |  |
|  |  | Х |  |  |
| Description of the results | | PPA has fulfilled the following commitments envisaged in Bulgaria’s second action plan under the Open Government Partnership Initiative, as follows:  - Preparation and adoption of a new Public Procurement Law (promulgated in the State Gazette, issue 13 of 2016) which introduces the new EU directives in this area (Directive 2014/24/EU and Directive 2014/25/EU);  - Adoption of secondary legislation in the field –Rules Implementing the Public Procurement Law (promulgated in the State Gazette, issue 28 of 2016) and a tariff for the charges collected in PPL proceedings (promulgated in the State Gazette, issue 28 of 2016);  New legislation in the field has been in force since 15 April 2016. It also introduces the basic requirements of EU legislation as regards e-procurement.  - Decision No 108 of the Council of Ministers of 2015 selected a centralised one-platform model for the development of e-procurement in Bulgaria to be implemented by the acquisition of a single e-platform and the integration of the existing e-procurement systems owned and used by central procurement bodies;  - Definition of functional and technical requirements to the future national platform;  **-** Elaboration of documentation and announcement of a procurement for the acquisition of a centralised automated system called E-Procurement with all modules up to electronic evaluation, including electronic submission of bids – fulfilled in August 2016.  **-** Introduction of an electronic announcement module - According to the existing legislation, all the information that is subject to publication in the Public Procurement Register and in the Official Journal of the European Union is sent only electronically in a structured manner and by using an electronic signature, thus entirely meeting the requirement for the introduction of **E-Notification** and **E-Publication.** Maximum procurement publicity has been ensured both through the Public Procurement Portal to the Public Procurement Agency and by the contracting authorities through their buyer profiles that are obliged to provide direct and free access to the information about the procurement procedures they conduct. | | | | |
| End Date | | The commitments taken by the PPA under Bulgaria’s second action plan under the Open Government Partnership Initiative with regard to the above specific activities were fulfilled as of December 2016,with the activities related to the acquisition of a national e-procurement platform still on-going. | | | | |
| Next Steps | | Elaboration and implementation of a centralised automated information system called “E-procurement with all modules up to electronic evaluation, including electronic submission of bids” with an implementation deadline until June 2018 – a commitment included in the third Bulgaria’s action plan under the Open Government Partnership Initiative - Pending selection of a contractor under the open public procurement procedure with the following subject: Development, implementation and maintenance of a single national electronic web-based platform: Centralised automated information system called E-Procurement financed under the Good Governance Operational Programme and co-financed by the European Social Fund of the European Union. The expected impact of system implementation is making the stages of the award process electronic by the implementation of standardised business processes and document samples, as well as enhancing of control at every stage of conducting of the procedures. | | | | |
| Additional information | | | | | | |
| The possible risks are related to short deadlines, as well as with challenges related to the introduction of new technological processes linked to network, operational and information compatibility.  The introduction of an entirely electronic process of public procedures is planned for 2020. | | | | | | |

# Commitment 11: Improving the usability of the published data from the electronic budget payment system (SEBRA)

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| Commitment completion template | | | | | | |
| Improving the usability of the published data from the electronic budget payments system (SEBRA)  – Introducing a uniform format of publishing data from individual institutions and a single point for data downloading | | | | | | |
| Lead implementing agency | | Ministry of Finance | | | | |
| Name of responsible person  from implementing agency | | Nadezhda Kasabova | | | | |
| Title, Department | | chief expert in Public Relations and Protocol Directorate | | | | |
| Email | | [n.kasabova@minfin.bg](mailto:n.kasabova@minfin.bg) | | | | |
| Phone | | +359 2 9859 2085 | | | | |
| Other  actors  involved | Government | Yes | | | | |
| CSOs, private  sector, working  groups,  multilaterals |  | | | | |
| Main Objective | | Achieving a higher degree of fiscal transparency and accountability | | | | |
| Brief Description of  Commitment | | Within its competence, the Ministry of Finance fully complies with the responsibilities undertaken with the commitment – publication of data in csv-format. We believe that in view to achieving greater transparency and accountability and having in mind the obligation of all first level spending units and other budget organisations included in SEBRA to publish on a daily basis data on the payments in SEBRA pursuant to the Ordinance laying down the procedure, method, time periods and scope of information from SEBRA subject to publication (the “Ordinance”), these should also be included as institutions responsible for the implementation of the relevant part of the commitment to improve the usability of the published data from SEBRA and send these data to the Open Data Portal in csv-format or in another open machine-readable format – similarly to the approach that has already been taken in execution of Council of Ministers’ Decision 214/25.03.2016, as amended and supplemented by Council of Ministers’ Decision No 897/21.10.2016.  The data on the daily payments of the spending units included in SEBRA themselves are far from sufficient to achieve the main objective of the commitment. They are only part of the information generated for the relevant first level spending unit about the current budget performance, including regular financial statements, budget reports in a programme format with corresponding targets laid down for the approved policies and programmes, public procurement procedures and contracts, etc., whose publication in its entirety in fact significantly contributes to ensuring fiscal transparency and accountability in the performance of the activities and functions of the relevant budget organisations. | | | | |
| Relevance | | The Ministry of Finance approves and supports the measure whereby a single point for publishing and downloading of data has been created, i.e. the Open Data Portal. This is the platform which in practice implements the commitment – publishing of “Payments in SEBRA and other payments in the BNB” in open format. This measure contributes to improving the usability of the published data from the electronic budget payments system (SEBRA) because the published information datasets and resources are with open access. The Ministry of Finance maintains its existing practice to publish the data on its website in Excel format as the files in csv format are intended for reading not by final users but by machines. | | | | |
| Ambition | | The content of the daily information on the payments in SEBRA published by the first level spending units in accordance with the Ordinance has uniform scope and format as it is based on an automated reference in SEBRA produced through the function “Transfers and direct transactions by codes per types of payments in SEBRA”. The information is classified in detail under the relevant codes per types of payments, structured by economic type in line with the key items of budgetary expenditures, transfers and transactions in the part of financing, and is presented both in summary for the corresponding first level system in SEBRA and by second level systems/spending units.  The information on the payments in SEBRA published by the Ministry of Finance is identically structured under the relevant codes per types of payments in SEBRA, in summary and by individual first level systems. In addition, a detailed description of the scope of this information, including the applicable nomenclature of codes per types of payments in SEBRA, is published on the website of the Ministry of Finance.  A uniform format of data publishing – csv-format, has been introduced and the Open Data Portal serves as a single point for data downloading. | | | | |
| Completion level | | Not started | Limited | Substantial | Completed |  |
|  |  |  | Х |  |
| Description of the results | | The commitment has been completed. In May 2015, a profile of the Ministry of Finance was created on the Open Data Portal. The publishing of information in csv-format started at the end of the same month. On the website of the Ministry of Finance the information is published in xls-format in order to facilitate the users that do not use software for data analysis; there is also a link to the profile on the Portal. | | | | |
| End Date | | 2016 | | | | |
| Next Steps | | The entry into operation of a new MoF website Content Management System is pending. There are no limits as to the number of documents published for one and the same date as well as to the format of the data published. For this reason, the new MoF website Content Management System includes options for publishing of open data in csv-format for more than one dataset. The information will be published only once on the website of the Ministry of Finance which is considered the primary source of these data. This would allow for storing the data in only one place – at their primary source, without creating any copies, with links being created on the Portal to the existing data on the website of the Ministry of Finance. We deem this approach most appropriate as it ensures unified and uniform access to the open data while not violating the rule for non-duplication of information. | | | | |
| Additional information | | | | | | |
| Council of Ministers’ Decision No 897 of 21.10.2016 has extended the list of datasets by priority areas to be published in open format (adopted by Council of Ministers’ Decision No 214 of 2016), adding to it the information on the payments in SEBRA. | | | | | | |

# Commitment 12: Improving of the ex-post control on awarding and implementing public procurement contracts and introducing a uniform practice of control and accountability

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Commitment Completion Template | | | | | | |
| Improving the ex-post control on awarding and implementing public procurement contracts and introducing a uniform practice of control and accountability | | | | | | |
| Lead implementing agency | | Ministry of Finance  Public Financial Inspection Agency | | | | |
| Name of responsible person  from implementing agency | | 1. Petya Todorova Petkova 2. Anelia Ivanova Yordanova | | | | |
| Title, Department | | 1. head of Division, Public Inspection Activities in the Field of Public Procurement Directorate 2. Director of Analysis and Report of the Inspection Activities Directorate | | | | |
| Email | | 1. [p.petkova@adfi.minfin.bg](mailto:p.petkova@adfi.minfin.bg) 2. [a.i.jordanova@adfi.minfin.bg](mailto:a.i.jordanova@adfi.minfin.bg) | | | | |
| Phone | | 1. +359 2 9859 5176 2. +359 2 9859 5180 | | | | |
| Other  actors  involved | Government |  | | | | |
| CSOs, private  sector, working  groups,  multilaterals |  | | | | |
| Main Objective | | Improving the ex-post control on awarding and implementing public procurement contracts and introducing a uniform practice of control and accountability | | | | |
| Brief Description of  Commitment | | The commitment includes the following activities:   1. Elaboration of an ex-post control unification guide (avoiding the overlapping of inspections and equal treatment of infringements by control bodies); 2. Analysis of the infringements (including a conflict of interests) with regard to the awarding of procurement contracts and to the related sanctions; 3. Introduction of indicators and of a system of periodic reporting of infringements in the practice of imposing administrative penalties. | | | | |
| Relevance | | The elaboration of clear and specific rules for ex-post control aims to avoid the overlapping of inspections, as well as the equal treatment of infringements by the control bodies. The indicators and the system of periodic reporting in the practice of the control bodies contribute directly to enhancing the straightforwardness of institutions and to facilitating citizens in getting familiar with documents thereof. On the one hand, the process of control will be conducted in an identical way by both control institutions (PFIA and National Audit Office), which will make it clearer and easier for the persons and sites subject to inspections. On the other hand, the practice standardisation and the uniform reporting indicators enable citizens to make comparison and analysis far more easily, hence drawing conclusions about the activity and the results achieved in exercising control activities, thus contributing directly to the more open and transparent management of control institutions. The documents elaborated are public and are published on the institutions’ websites and citizens are able to get to know their specifics. | | | | |
| Ambition | | Practice standardization and formulation of uniform indicators of reporting of control institutions facilitates both the institutions themselves and the persons subject to inspections. The specific procedures and indicators will result in a greater clarity and transparency, which will help citizens form an opinion about the activity of institutions and will contribute to the optimization of the work of the control bodies. | | | | |
| Completion level | | Not started | Limited | Substantial | Completed |  |
|  |  |  | X |  |
| Description of the results | | 1. A task force including experts from the National Audit Office and the Public Financial Inspection Agency developed a guide for unification of public procurement ex-post control exercised by the National Audit Office and the Public Financial Inspection Agency, as well as checklists for inspection of the various types of procedures under the Public Procurement Law which are annexes to the guide. An Order No ФК-09-17/03.02.2016 of the director of the Public Financial Inspection Agency affirms the guide and the annexes thereto. They are published on the official website of the Agency at <http://www.adfi.minfin.bg/>. 2. Implementing the commitments taken under Activity 2, the required information about the type and the number of the infringements of the Public Procurement Law found by the National Audit Office and the Public Financial Inspection Agency has been collected. The aim is, based on the analysis made, to specify the infringements by singling out those that are immaterial and do not affect the competitive award of the procurement and the selection of a contractor. The adoption of the new Public Procurement Law optimises the composition of administrative violations. 3. Implementing Activity 3, a task force including representatives of the Public Financial Inspection Agency and the National Audit Office developed a set of indicators for reporting of public procurement infringements and of administrative penalties imposed. The indicators were approved for application as from 1 January 2016. | | | | |
| End Date | | June, 2016 | | | | |
| Next Steps | |  | | | | |
| Additional information | | | | | | |
|  | | | | | | |

# 5. Peer exchange and learning

Bulgaria’s OGP POC took part in the First Meeting of the European POCs held in Tbilisi, Georgia. During the event, information and experience were exchanged with the other OGP participating countries concerning the challenges in implementing the national action plans and ideas for addressing the challenges were shared. The session on inter-agency communication was especially useful in that respect.

Assistance was also sought and received from the OGP Support Unit in relation to Bulgaria’s efforts to devise a consistent and comprehensive strategy for increasing awareness of OGP among the administrative units and external audiences.

# 6. Conclusion, Other initiatives and next steps

# A. Lessons learned:

The experience gained during the development and implementation of Bulgaria’s second National Action Plan serves as a basis to draw the following conclusions:

1. The good understanding and ongoing consistent communication of the OGP principles and philosophy both to the institutions of government and the stakeholders (CSOs, businesses, media etc.) is key for achieving the objectives set in the plan and for improving the interagency dialog and the interaction with civil society. Efforts should be made to generate international and domestic support for the OGP agenda of the government by enhancing the channels used for communicating Bulgaria’s achievements.
2. A better structured and systemic consultation process is needed concerning the development and implementation of the Action Plan. The lack of clear rules and procedures regulating the process results in low quality consultations and hence lower quality plan.
3. Commitments are formulated in too general manner which makes it difficult to assess the impact of their further implementation. More specific and concrete commitments measures are required in the future NAPs.
4. Bulgaria’s OGP agenda and the perception of OGP need to be revamped towards a strategic, proactive and focused participation instead of formal implementation of measures within the framework of an initiative seen by some as exotic.
5. Consideration should be given in the future to formulating a unifying topic for Bulgaria’s OGP efforts e.g. positioning of the country as a regional leader in OGP network. Such a topic could serve as a catalyst for additional activities, even if not included in the Action Plan.

# B. Other initiatives:

One of the important initiatives of the government not included in the NAP but completely contributing to achieving the OGP objectives is introducing an open data and open source eligibility requirements for all projects financed by Good Governance Operational Program (co-funded by the EU).

# C. Next steps:

The short-term steps in Bulgaria’s OGP agenda are related to introducing Partnership in Governance Network as a permanent dialog mechanism regarding OGP participation of the country and NAT developing processes. The Network will be based on current public consultation practices and on a stronger activity by the civil society and the administration in this process. The main goal is to ensure a systemic approach and continuity in the public consultation process as well as complementarity of the online and off-line tools for civil participation via a permanent mechanism for interaction between State authorities and interested parties.

# D. Conclusion:

The implementation of the Second NAP is to a significant extend completed. Most of the major transforming measures within the commitments are fully implemented. Some delays have been observed in the less important ones. On that base, the implementation of the second NAT is to be considered as successful.

The lessons learned from the implementation of the first and the second NAT have been taken into account as regards the third NAT elaboration process as well as regarding the general organization within the administration regarding OGP agenda.